

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Submitted - February 9, 2009

STEVEN W. FISHER, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-05824

DECISION & ORDER

Joe Sotomayor, appellant, v Yarmouth Lumber,
et al., respondents.

(Index No. 30479/06)

Law Office of Donald Friedman, P.C., Brooklyn, N.Y. (Mitchell Gorkin of counsel),
for appellant.

Kopff, Nardelli & Dopf LLP, New York, N.Y. (Martin B. Adams of counsel), for
respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an
order of the Supreme Court, Kings County (Vaughan, J.), dated May 14, 2008, which granted the
defendants' motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The defendants established, prima facie, their entitlement to judgment as a matter of
law. In opposition, the plaintiff failed to raise a triable issue of fact. Accordingly, the Supreme Court
correctly granted the defendants' motion for summary judgment dismissing the complaint.

FISHER, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 17, 2009

SOTOMAYOR v YARMOUTH LUMBER