

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

D22938  
T/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - March 5, 2009

MARK C. DILLON, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
CHERYL E. CHAMBERS, JJ.

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2008-00851

DECISION & ORDER

Randy Boone, et al., respondents, v 100 Marcus  
Drive Associates, appellant.

(Index No. 8483/05)

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Tromello, McDonnell & Kehoe, Melville, N.Y. (Kevin J. Bryant of counsel), for  
appellant.

The Gucciardo Law Firm, New York, N.Y. (Paul L. LaClair of counsel), for  
respondents.

In an action to recover damages for personal injuries, etc., the defendant appeals from  
an order of the Supreme Court, Nassau County (Feinman, J.), dated January 7, 2008, which denied  
its motion for summary judgment dismissing the complaint.

ORDERED that the order is reversed, on the law and in the exercise of discretion,  
with costs, and the motion for summary judgment dismissing the complaint is granted.

The motion for summary judgment dismissing the complaint should have been granted  
(*see Boone v 100 Marcus Dr. Assoc.*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No.  
2008-04671; decided herewith]).

DILLON, J.P., ANGIOLILLO, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

April 21, 2009

BOONE v 100 MARCUS DRIVE ASSOCIATES