

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

D23290
O/kmg

_____AD3d_____

Submitted - April 16, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2008-01211

DECISION & ORDER

Alicia Haase, appellant, v Bishop Jonathan G.
Sherman Episcopal Nursing Home, a/k/a
Bishop Sherman Nursing Home, et al., respondents,
et al., defendant.

(Index No. 28276/98)

Fine, Fine & Associates, LLP, Melville, N.Y. (Scott J. Fine and Robert P. Baquet of counsel), for appellant.

Wilson Elser Moskowitz Edelman & Dicker, LLP, White Plains, N.Y. (Philip J. DeNoia of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Spinner, J.), dated December 13, 2007, which granted the motion of the defendants Bishop Jonathan G. Sherman Episcopal Nursing Home, a/k/a Bishop Sherman Nursing Home, St. John's Episcopal Hospital, Episcopal Health Services, Inc., and Church Charity Foundation of Long Island, a/k/a Church Charity Foundation, for summary judgment dismissing the complaint insofar as asserted against them.

ORDERED that the order is affirmed, with costs.

Contrary to the plaintiff's contention, the Supreme Court correctly granted the motion of the defendants Bishop Jonathan G. Sherman Episcopal Nursing Home, a/k/a Bishop Sherman Nursing Home, St. John's Episcopal Hospital, Episcopal Health Services, Inc., and Church Charity

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a/k/a BISHOP SHERMAN NURSING HOME

Foundation of Long Island, a/k/a Church Charity Foundation, for summary judgment dismissing the complaint insofar as asserted against them. In support of their motion, the moving defendants demonstrated their prima facie entitlement to judgment as a matter of law (*see Alvarez v Prospect Hosp.*, 68 NY2d 320, 324-325; *Wechter v Kelner*, 40 AD3d 747, 748). In opposition, the plaintiff's speculative and conclusory assertions failed to raise a triable issue of fact (*see Daleo v James*, 52 AD3d 766, 767; *Vitale v Levine*, 44 AD3d 935, 936).

RIVERA, J.P., DILLON, BELEN and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court