

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

D25783
C/kmg

_____AD3d_____

Argued - December 14, 2009

JOSEPH COVELLO, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
SANDRA L. SGROI, JJ.

2009-03189

DECISION & ORDER

Inna Grinberg, appellant, v Luna Park Housing Corporation, et al., respondents.

(Index No. 26937/06)

William Pager, Brooklyn, N.Y., for appellant.

McManus, Collura & Richter, P.C., New York, N.Y. (Scott C. Tuttle 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 (Knipel, J.), dated March 9, 2009, which granted the defendants' motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff allegedly slipped and fell on a terrace in a building owned by the defendant Luna Park Housing Corporation and managed by the defendant Douglas Elliman Property Management. The terrace was exposed to the elements. At the time of the accident, the floor of the terrace was wet due to an earlier rainstorm.

The defendants demonstrated their prima facie entitlement to judgment as a matter of law by establishing that the accident did not occur as a result of a dangerous or defective condition (*see Medina v Sears, Roebuck & Co.*, 41 AD3d 798, 799; *cf. Cavorti v Winston*, 307 AD2d 1018, 1019; *Bacon v Altamont Farms*, 33 AD2d 708, 708-709, *affd* 27 NY2d 936). In opposition, the

plaintiff failed to raise a triable issue of fact (*see Richardson v Campanelli*, 297 AD2d 794; *Sadowsky v 2175 Wantagh Ave. Corp.*, 281 AD2d 407, 408). Accordingly, the Supreme Court properly granted the defendants' motion for summary judgment dismissing the complaint.

COVELLO, J.P., ANGIOLILLO, BALKIN and SGROI, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court