

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

D26046  
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Submitted - December 22, 2009

FRED T. SANTUCCI, J.P.  
THOMAS A. DICKERSON  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2009-06924

DECISION & ORDER

Delwara Haque, appellant, v Duane Reade, Inc.,  
respondent.

(Index No. 29720/07)

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Walter C. Silverstein, P.C. (Mitchell Dranow, Mineola, N.Y., of counsel), for  
appellant.

Chesney & Murphy, LLP, Baldwin, N.Y. (Stephen V. Morello of counsel), for  
respondent.

In an action to recover damages for personal injuries, the plaintiff appeals from an  
order of the Supreme Court, Queens County (Elliot, J.), entered June 9, 2009, which granted the  
defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

By submitting proof that, in response to inclement weather, its employees had  
undertaken reasonable precautions such as periodically mopping the area where the accident  
occurred, the defendant met its initial burden of establishing its right to judgment as a matter of law  
(*see e.g. Sook Ja Li v Yi Mei Bakery Corp.*, 305 AD2d 579). The plaintiff, in opposing the  
defendant's motion for summary judgment, failed to demonstrate the existence of any triable issue  
of fact.

The plaintiff's remaining contention concerning the alleged spoliation of evidence is without merit.

SANTUCCI, J.P., DICKERSON, ENG and CHAMBERS, 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