

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

D27329  
H/prt

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

Submitted - April 22, 2010

REINALDO E. RIVERA, J.P.  
ANITA R. FLORIO  
DANIEL D. ANGIOLILLO  
PLUMMER E. LOTT, JJ.

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2009-05328

DECISION & ORDER

John Ernesto Camacho, respondent, v  
TNT USA, Inc., et al., appellants.

(Index No. 27091/07)

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Martyn, Toher & Martyn, Mineola, N.Y. (Michael G. Conway of counsel), for appellants.

Trolman, Glaser & Lichtman, P.C., New York, N.Y. (Michael T. Altman of counsel), for respondent.

In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Queens County (McDonald, J.), dated April 22, 2009, which denied their motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff, who was responsible for loading freight onto airplanes at JFK International Airport, allegedly sustained an injury to his left knee when he attempted to step onto a manual roller mechanism used to move freight, and his leg dropped into a space between two adjacent rollers. At the time, he was attempting to access controls which were used to move freight along on an automatic conveyor. After joinder of issue, the defendants moved for summary judgment dismissing the complaint. The Supreme Court denied the defendants' motion. We affirm.

The defendants failed to establish, prima facie, that the manual roller system, which had sizeable spaces between adjacent rollers, was not inherently dangerous (*see Cooper v American*

May 11, 2010

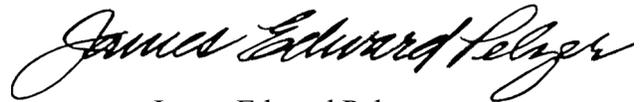
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*Carpet & Restoration Servs., Inc.*, 69 AD3d 552). Since the defendants failed to meet their prima facie burden, this Court need not review the sufficiency of the plaintiff's opposition papers (*see Tchjevskiaia v Chase*, 15 AD3d 389).

RIVERA, J.P., FLORIO, ANGIOLILLO and LOTT, 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