

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

D30211
C/prt

_____AD3d_____

Argued - January 31, 2011

JOSEPH COVELLO, J.P.
CHERYL E. CHAMBERS
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2010-00829

DECISION & ORDER

Jacqueline D. Krell, appellant, v S & F Towing,
et al., respondents, et al., defendant.

(Index No. 28076/07)

The Edelsteins, Faegenburg & Brown, New York, N.Y. (Paul J. Edelstein and Louis A. Badolato of counsel), for appellant.

Morris Duffy Alonso & Faley, New York, N.Y. (Anna J. Ervolina and Andrea M. Alonso of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals, as limited by her brief, from so much of an order of the Supreme Court, Kings County (Schack, J.), dated December 11, 2009, as granted that branch of the motion of the defendants S & F Towing and William Setter which was for summary judgment dismissing the complaint insofar as asserted against them.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The Supreme Court properly granted that branch of the motion of the defendants S & F Towing and William Stetter (hereinafter together the defendants) which was for summary judgment dismissing the complaint insofar as asserted against them. The defendants demonstrated, prima facie, that they were not negligent and, in opposition, the plaintiff failed to raise a triable issue of fact.

March 1, 2011

KRELL v S & F TOWING

Page 1.

The plaintiff's remaining contentions are without merit.

COVELLO, J.P., CHAMBERS, LOTT and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court