

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

D32397
N/kmb

_____AD3d_____

Argued - September 15, 2011

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-07731

DECISION & ORDER

Christos Kominakos, appellant, v Costas G. Lioudis,
respondent.

(Index No. 9547/09)

Georgaklis & Mallas, PLLC, Brooklyn, N.Y. (Kostantinos Mallas of counsel), for
appellant.

Robert P. Tusa (Sweetbaum & Sweetbaum, Lake Success, N.Y. [Marshall D.
Sweetbaum]), of counsel), for respondent.

In an action to recover damages for personal injuries, the plaintiff appeals from an
order of the Supreme Court, Kings County (Bayne, J.), dated June 11, 2010, which denied his motion
for summary judgment on the issue of liability.

ORDERED that the order is affirmed, with costs.

In support of his motion for summary judgment on the issue of liability, the plaintiff
failed to make a prima facie showing of entitlement to judgment as a matter of law (*see Alvarez v
Prospect Hosp.*, 68 NY2d 320, 324; *Zuckerman v City of New York*, 49 NY2d 557, 562). Since the
plaintiff failed to meet his initial burden as the movant, we need not review the sufficiency of the
defendant's opposition papers (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853).
Accordingly, the Supreme Court properly denied the plaintiff's motion for summary judgment on
the issue of liability.

PRUDENTI, P.J., RIVERA, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 4, 2011

KOMINAKOS v LIOUDIS