

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

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Submitted - November 22, 2011

WILLIAM F. MASTRO, A.P.J.
L. PRISCILLA HALL
SANDRA L. SGROI
JEFFREY A. COHEN, JJ.

2010-05932

DECISION & ORDER

Helaine Stredwick, appellant, v New York City
Department of Education, et al., respondents,
P.P.L. Construction Corp., defendant.

(Index No. 13979/07)

Jonathan C. Reiter, New York, N.Y. (Meryl I. Schwartz of counsel), for appellant.

Wilson, Elser, Moskowitz, Edelman & Dicker LLP, New York, N.Y. (Debra A. Adler and Mathew P. Ross 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, Queens County (Kelly, J.), entered April 23, 2010, as granted those branches of the defendants' motion which were for summary judgment dismissing the complaint insofar as asserted against the defendants New York City Department of Education, New York City Board of Education, City of New York, New York City School Construction Authority, P&K Contracting, Inc., K Z&V Construction, Inc., Rex Construction Corp., and Imperium Construction, Inc.

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

The respondents made a prima facie showing that they did not cause the plaintiff's alleged injuries. They demonstrated, through the affirmed report of their medical expert and the plaintiff's medical records, that the plaintiff's alleged exposure to silica did not cause her illness and symptoms (*see Alvarez v Prospect Hosp.*, 68 NY2d 320). In opposition, the plaintiff failed to raise a triable issue of fact. She offered no expert evidence showing that her medical condition and

December 27, 2011

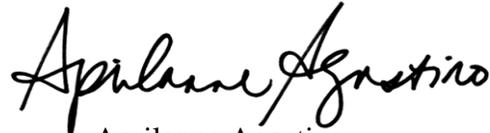
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symptoms were caused by her alleged exposure to silica (*see Parker v Mobil Oil Corp.*, 7 NY3d 434, 448). Accordingly, the Supreme Court properly determined that the respondents were entitled to summary judgment dismissing the complaint insofar as asserted against them.

MASTRO, A.P.J., HALL, SGROI and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court