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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.

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No. 213 SSM 21  
Hector Taveras,  
Respondent,  
v.  
1149 Webster Realty Corp. et al,  
Appellants.

Submitted by Lisa L. Gokhulsingh, for appellant 1149  
Webster Realty Corp.

Submitted by Stuart B. Cholewa, for appellant A&K  
Convenience Store, Inc.

Submitted by Brian J. Isaac, for respondent.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules  
(22 NYCRR 500.11), order affirmed, with costs, and certified  
question answered in the affirmative. Defendants failed to  
satisfy their burden of establishing entitlement to judgment as a  
matter of law. Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

Decided September 13, 2016