

negative.

Contrary to defendant's argument, plaintiff's work constituted an alteration within the meaning of Labor Law § 240 (1) (see Joblon v Solow, 91 NY2d 457, 465 [1998]). In light of our recent decision in Sanatass v Consolidated Inv. Co., Inc. (10 NY3d 333 [2008]), defendant's contention that he lacks a sufficient nexus with plaintiff to support liability under section 240 (1) is without merit. Since plaintiff made a prima facie showing of entitlement to judgment as a matter of law on his section 240 (1) claim and defendant failed to raise a triable issue of fact in opposition thereto, plaintiff is entitled to partial summary judgment on liability.

* * * * *

Order reversed, with costs, defendant Santomero's motion for summary judgment denied, plaintiff's cross motion for partial summary judgment as to liability on his Labor Law § 240(1) cause of action against defendant Santomero granted and certified question answered in the negative, in a memorandum. Chief Judge Kaye and Judges Graffeo, Read, Smith, Pigott and Jones concur. Judge Ciparick took no part.

Decided June 25, 2008