

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Webber, J.P., González, Pitt-Burke, Higgitt, Hagler, JJ.

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YOKAYRA ROJAS,
Plaintiff-Appellant,

Index No. 158841/19
Case No. 2025-02829

-against-

444-451 ORANGE BUILDINGS HOUSING
DEVELOPMENTAL FUND CORPORATION,
Defendant-Respondent.

Mitchell Dranow, Sea Cliff, for appellant.

Hannum Feretic Prendergast & Merlino, LLC, Mineola (Lisa I. Gokhulsingh of counsel),
for respondent.

Order, Supreme Court, New York County (David B. Cohen, J.), entered January 22, 2025, which granted defendant's motion for summary judgment dismissing the complaint, unanimously reversed, on the law, the motion denied, and the complaint reinstated, without costs.

Defendant failed to establish that it lacked constructive notice of the alleged oily condition, which plaintiff claims caused her to slip and fall down a staircase. Defendant's treasurer testified about the building's general cleaning schedule but admitted that she did not know when the staircase was last cleaned or inspected before the accident and defendant did not submit any records or cleaning logs (*see Castillo-Sayre v Citarella Operating LLC*, 195 AD3d 513, 513 [1st Dept 2021]). Accordingly, the burden never shifted to plaintiff to establish how long the slippery condition existed before the accident (*id.*).

Defendant also failed to “establish as a matter of law that plaintiff could only speculate about the cause of the accident” as plaintiff testified that the floor was slippery near the landing between the third and fourth floor where she slipped and that after she fell, she looked back up the stairs and saw “[l]ittle droplets of oil . . . going to the third floor” (*McLean v Shanghai City Corp.*, 245 AD3d 440, 440 [1st Dept 2026]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 14, 2026

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court