

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

D57420
T/htr

_____AD3d_____

Argued - September 7, 2018

RUTH C. BALKIN, J.P.
SANDRA L. SGROI
HECTOR D. LASALLE
BETSY BARROS, JJ.

2016-03777

DECISION & ORDER

Jason Dowd, appellant, v County of Nassau,
et al., respondents, et al., defendants.

(Index No. 602426/12)

Dell & Dean, PLLC, Garden City, NY (Jay J. Massaro and Michael Schultz of
counsel), for appellant.

Perez & Cariello, Uniondale, NY (Edgar Matos of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Nassau County (Robert A. Bruno, J.), dated March 8, 2016. The order, insofar as appealed from, granted that branch of the motion of the defendants County of Nassau, New York Islanders Hockey Club, L.P., and Nassau County Department of Public Works which was for summary judgment dismissing the causes of action alleging common-law negligence and a violation of Labor Law § 200 insofar as asserted against them.

ORDERED that the order is reversed insofar as appealed from, on the law, with costs, and that branch of the motion of the defendants County of Nassau, New York Islanders Hockey Club, L.P., and Nassau County Department of Public Works which was for summary judgment dismissing the causes of action alleging common-law negligence and a violation of Labor Law § 200 insofar as asserted against them is denied.

This action arose out of the same incident that is the subject of *Wass v County of Nassau* (_____ AD3d _____ [decided herewith]), and the factual and legal issues are identical. We reverse the order in this action insofar as appealed from for the reasons set forth in our decision and

order in *Wass v County of Nassau* (*see id.*).

BALKIN, J.P., SGROI, LASALLE and BARROS, 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