

State of New York Court of Appeals

MEMORANDUM

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

No. 36
Gregory Morrison,
Appellant,
v.
New York City Housing Authority,
Respondent.

Si Aydiner, for appellant.
Diana Neyman, for respondent.
Defense Association of New York, Inc., amicus curiae.

MEMORANDUM:

The order of the Appellate Division should be affirmed, with costs.

Plaintiff brought the instant premises liability action against defendant seeking damages for injuries he allegedly sustained when he slipped and fell on a wet substance on

the stairs of an apartment building owned by defendant. Plaintiff asserts that defendant is liable because defendant negligently painted the treads on the stairs such that the treads have an inadequate coefficient of friction when wet. Because the alleged hazardous condition exists only when the stairs are wet, defendant established its prima facie entitlement to summary judgment by demonstrating that it did not affirmatively create the wet condition or have actual or constructive notice of that condition (*see Parietti v Wal-Mart Stores, Inc.*, 29 NY3d 1136, 1137 [2017]). We agree with the Appellate Division that plaintiff failed to raise a triable issue of fact in response (*see* 209 AD3d 588 [1st Dept 2022]).

Order affirmed, with costs, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided April 18, 2024