

**Nunez v 1671 Lincoln Place NY LLC**

2025 NY Slip Op 33592(U)

September 29, 2025

Supreme Court, Kings County

Docket Number: Index No. 523893/2018

Judge: Ingrid Joseph

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LAt an IAS Term, Part 83 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 29<sup>th</sup> day of September, 2025.

P R E S E N T: HON. INGRID JOSEPH, J.S.C.  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JOHN NUNEZ,

Plaintiff,

Index No.: 523893/2018

-against-

**DECISION AND ORDER**  
(Mot. Seq. Nos. 3-4)

1671 LINCOLN PLACE NY LLC,

Defendant.

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The following e-filed papers read herein:

NYSCEF Doc  
Nos.

Notice of Motion/Affirmation in Support/Exhibits/Statement of Material Facts/Memorandum of Law.....	40 – 51
Notice of Cross-Motion/Affirmation in Opposition to Motion and in Support of Cross-Motion/Exhibits/Response to Statement of Material Facts/Exhibits...	56 – 61, 63
Affirmation in Opposition to Cross-Motion and in Further Support of Motion/Exhibit.....	65 – 66
Reply Affirmation.....	67 – 68

Upon the foregoing papers, Defendant 1671 Lincoln Place NY LLC (“Defendant”) moves, pursuant to CPLR 3212, for summary judgment dismissing Plaintiff John Nunez’s (“Plaintiff”) complaint (Mot. Seq. No. 3). Plaintiff opposes the motion and cross-moves for partial summary judgment, pursuant to CPLR 3212, on his Labor Law § 241 (6) claim (Mot. Seq. No. 4). Defendant opposes the cross-motion.

This matter involves an accident that occurred on November 15, 2018, at a construction site at a residential apartment building located at 1671 Lincoln Place in Brooklyn, New York (the “Premises”). The Premises is owned by Defendant. Plaintiff was employed by non-party Quality Framers (“QF”), an interior contractor. On the date of the accident, Plaintiff testified that he was

tasked with carrying bags of cement and sand from the fourth floor to the ground floor using the staircase. Plaintiff was able to complete about seven trips without issue. Plaintiff was proceeding to make another trip down carrying one bag of cement on his shoulder when he allegedly slipped and tripped on a piece of sheetrock on the step and fell three to four steps.

In its motion, Defendant argues that since Plaintiff fell down a fixed, permanent staircase his accident does not fall within the purview of Labor Law § 240 (1), which concerns scaffolding and other devices. In addition, Defendant asserts that dismissal of Plaintiff's Labor Law § 241 (6) cause of action is warranted because the Industrial Code sections cited by Plaintiff are inapplicable to his claims.<sup>1</sup> Turning first to Industrial Code § 23-1.7 (d),<sup>2</sup> Defendant relies on the Second Department decision in *Verdi v SP Irving Owner, LLC* (227 AD3d 932 [2d Dept 2024]). In that case, the court found the demolition or construction debris the plaintiff slipped on was "not the type of foreign substance contemplated by 12 NYCRR 23-1.7(d)." Accordingly, Defendant asserts that this section does not apply to slipping and the sheetrock Plaintiff slipped on. Regarding Industrial Code § 23-1.7 (e),<sup>3</sup> Defendant asserts that it is inapplicable because Plaintiff claims he slipped, rather than tripped, on debris. In addition, Defendant argues that Section 23-1.7 (e) (2) does not apply because the "accident occurred on the stairs being used as a passageway, not a working area, by [Plaintiff's] own testimony."

With respect to Plaintiff's Labor Law § 200<sup>4</sup> cause of action, Defendant argues that it must be dismissed because the record establishes that it did not supervise, direct or control Plaintiff's work, nor did it provide the tools or materials for his work. In addition, Defendant contends that

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<sup>1</sup> Defendant's papers address every Industrial Code section cited by Plaintiff in his Bill of Particulars: 23-1.5, 1.7 (b), (d) and (e), 1.30, 1.32, 1.33, 2.1, and 5.1 (h). Nonetheless, in his affirmation in opposition to Defendant's motion and in support of Plaintiff's cross-motion, Plaintiff's counsel concedes that the only relevant Industrial Code sections are 23-1.7 (d) and 23-1.7 (e) (1) and (2). Therefore, the Court will only summarize the arguments related to these three alleged violations.

<sup>2</sup> Industrial Code § 23-1.7 (d), which concerns slipping hazards, provides as follows:

Employers shall not suffer or permit any employee to use a floor, passageway, walkway, scaffold, platform or other elevated working surface which is in a slippery condition. Ice, snow, water, grease and any other foreign substance which may cause slippery footing shall be removed, sanded or covered to provide safe footing (12 NYCRR 23-1.7 [d]).

<sup>3</sup> Industrial Code § 23-1.7 (e), addressing tripping and other hazards, states that:

(1) Passageways. All passageways shall be kept free from accumulations of dirt and debris and from any other obstructions or conditions which could cause tripping. Sharp projections which could cut or puncture any person shall be removed or covered.

(2) Working areas. The parts of floors, platforms and similar areas where persons work or pass shall be kept free from accumulations of dirt and debris and from scattered tools and materials and from sharp projections insofar as may be consistent with the work being performed (12 NYCRR 23-1.7 [e]).

<sup>4</sup> This section outlines the general duty to protect the health and safety of employees (*see* Labor Law § 200).

Plaintiff's cause of action for common law negligence must be dismissed since no one on its behalf was in the vicinity at the time of Plaintiff's accident and Plaintiff confirmed that he only spoke with his QF co-worker and supervisor.

In opposition, Plaintiff asserts that his Labor Law § 240 (1) claim should not be dismissed because the subject staircase was the sole means of access at the Premises. With respect to his Labor Law § 200 and common law negligence claims, Plaintiff argues that Defendant did not meet its burden in establishing that it did not have actual or constructive notice of the construction debris by failing to proffer "evidence as to its responsibility to inspect the staircase." Plaintiff further asserts that while he did not see the subject piece of sheetrock prior to his accident, he did observe construction debris on the staircase 2 to 3 days prior to the day of the accident.

Plaintiff also opposes the portion of Defendant's motion seeking dismissal of Labor Law § 241 (6) and cross-moves for partial summary judgment on this cause of action with respect to Section 23-1.7 (d), (e) (1) and (e) (2). Regarding Section 23-1.7 (d), Plaintiff contends that the Court of Appeals decision in *Bazdaric v Almah Partners LLC* (41 NY3d 310 [2024]) is dispositive and "takes precedence over *Verdi*." Plaintiff asserts that *Verdi* is distinguishable because it involved slipping on debris that the plaintiff in that case created or was part of the task he performed. In *Bazdaric*, however, Plaintiff asserts that the Second Department held that a plastic covering on an escalator, on which the plaintiff was working, was a foreign substance that created a slippery condition. Here, Plaintiff contends that the sheetrock was not placed on the staircase by Plaintiff; instead, it encompassed debris that fell out of a container. Thus, according to Plaintiff, the sheetrock was neither part of the staircase nor was it placed there or used by Plaintiff.

Turning to Section 23-1.7 (e), Plaintiff argues that Defendant overlooks that sheetrock was also a tripping hazard. At his deposition, Plaintiff maintains that he testified that he slipped and tripped. In his affidavit, Plaintiff explains that when he "stepped on the sheetrock [his] foot got caught, which immediately caused [him] to trip and slip. [He] then slid down after [he] slipped/tripped." Plaintiff also submits a certified copy of FDNY's ambulance record indicating that he fell down the stairs at the Premises. Since Defendant does not dispute that the staircase was a passageway, Plaintiff contends that Section 23-1.7 (e) (1) was violated. In addition, Plaintiff argues that subsection (2) applies since the staircase was a work area as well. Alternatively, Plaintiff argues that Defendant did not meet its initial burden demonstrating that it was *not* a work area.

Defendant opposes Plaintiff's cross-motion on procedural and substantive grounds. First, Defendant argues that the cross-motion is untimely since it was filed seven months after the Note of Issue was filed. Second, Defendant contends that *Bazdaric* in fact supports its position that construction debris is not considered a tripping hazard under Industrial Code § 23-1.7 (d). The Court of Appeals found that the plastic covering on the escalator was similar in nature to the enumerated items in that section, which Defendant argues does not apply to the subject piece of sheetrock. With respect to Section 23-1.7 (e), Defendant asserts that while Plaintiff proffers an affidavit stating he slipped *and* tripped, the certified ambulance report states that Plaintiff slipped and makes no mention of tripping. Thus, Defendant argues that Plaintiff's feigned affidavit should be disregarded by the Court. Moreover, Plaintiff contends that subsection (2) is applicable since Plaintiff himself argued that the incident occurred in a passageway, rather than a working area. Turning to subsection (1), Defendant maintains that it still is unavailing because it only applies to tripping. In addition, Defendant argues that Plaintiff still needs to establish notice of the condition. Since Plaintiff testified that he was able to make several prior trips prior to his accident and had not seen the sheetrock previously, Plaintiff himself has established lack of negligence. According to Defendant, Plaintiff's testimony makes it clear that any alleged debris appeared on the stairs just minutes prior to his accident. Therefore, Defendant asserts that there can be no notice to anyone except plaintiff, of the alleged debris or sufficient time for remediation. Moreover, Defendant argues that Plaintiff testified that there was not much debris around since it was cleaned up and what he saw previously was separate from what occurred on the date of his accident.

With respect to Plaintiff's Labor Law § 240 (1) claim, Defendant contends that the Second Department and the Kings County Supreme Court have held that a permanent staircase does not fall under the purview of this section. Lastly, in addressing the Labor Law § 200 and common law negligence claims, Defendant emphasizes that per Plaintiff's testimony the subject sheetrock could only have been present minutes prior to the accident. Therefore, there was no constructive notice. Moreover, Defendant asserts that the record establishes that it did not create or have actual notice. Defendant further argues that it confirmed (presumably through its witness's deposition testimony) that it had not received any prior complaints and was not on site supervising Plaintiff's work.

In reply, Plaintiff asserts that, under Second Department caselaw, his cross-motion can be considered timely if (i) it was made in response to Defendant's pending, timely filed summary judgment and (ii) the cross-motion is based largely on the same argument—Labor Law § 241 (6).

Substantively, Plaintiff argues that his affidavit supplements Defendant's counsel's failure to ask him what he meant when he testified that he tripped *and* slipped. With respect to Industrial Code § 23-1.7 (d), Plaintiff argues that the cases relied on by Defendant are distinguishable since the subject debris was neither created by him nor was he tasked with removing it. Thus, Plaintiff maintains that there are no material inconsistencies, and his affidavit is not "feigned." Plaintiff also submits that the sheetrock was a tripping hazard and Defendant conceded the staircase was a passageway; thus, Industrial Code § 23-1.7 (e) (1) was violated. Plaintiff further contends that Section 23-1.7 (e) (2) applies because the staircase was also a work area or at the least, Defendant did not meet its initial burden in establishing that it was not a work area.

"Summary judgment is a drastic remedy that deprives a litigant of his or her day in court, and it 'should only be employed when there is no doubt as to the absence of triable issues of material fact'" (*Kolivas v Kirchoff*, 14 AD3d 493, 493 [2d Dept 2005], citing *Andre v Pomeroy*, 35 NY2d 361, 364 [1974]; see *Sucre v Consolidated Edison Co. of N.Y., Inc.*, 184 AD3d 712, 714 [2d Dept 2020]). "The proponent for the summary judgment must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate absence of any material issues of fact" (*Sanchez v Ageless Chimney Inc.*, 219 AD3d 767, 768 [2d Dept 2023], citing *Alvarez v Prospect Hospital*, 68 NY2d 320, 324 [1986]; *Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985]).

Once a moving party has made a prima facie showing of its entitlement to summary judgment, the burden shifts to the opposing party to produce admissible evidence to establish the existence of material issues of fact which require a trial for resolution (see *Gesuale v Campanelli & Assocs.*, 126 AD3d 936, 937 [2d Dept 2015]; *Garnham & Han Real Estate Brokers v Oppenheimer*, 148 AD2d 493, 494 [2d Dept 1989]). Failure to make such a showing requires denial of the motion, regardless of the sufficiency of the opposing papers (see *Winegrad*, 64 NY2d at 853; *Skrok v Grand Loft Corp.*, 218 AD3d 702 [2d Dept 2023]; *Menzel v Plotnick*, 202 AD2d 558, 558-559 [2d Dept 1994]).

The Court will first address the parties' arguments regarding Labor Law § 241 (6). Whether Plaintiff or Defendant is entitled to summary judgment on this claim predicated on violation of Industrial Code § 23-1.7 (d) requires a determination as to whether the sheetrock constitutes a foreign substance. Thus, the applicability of Section 23-1.7 (d) "depends on the [the sheetrock's] relation to the area where [plaintiff] was assigned to work, and the [sheetrock's] uniform

properties” (*Bazardic*, 41 NY3d at 319). Here, it is uncontested that the sheetrock was not part of the staircase and that it was not integral to the work being performed by Plaintiff<sup>5</sup> or any task at the time of the accident (*see Kowalik v Lipschutz*, 81 AD3d 782, 784 [2d Dept 2011]; *Peralta v 204 Keap LLC*, 2024 NY Misc LEXIS 47071, at \*3 [Sup Ct, Kings County, Nov. 12, 2024, No. 505226/2020]).

While the Second Department in *Verdi*<sup>6</sup> found that demolition or construction debris was not the type of foreign substance contemplated by Section 23-1.7(d), under the Court of Appeals’ clarification in *Bazardic*, it can constitute “other foreign substance” under this section. According to the Court of Appeals, “other foreign substance” can encompass “types of material that are slippery when in contact with an area where someone walks, seeks passage, or stands, and, when the substance is present, would make it difficult if not impossible to use the work area safely...” (*Bazardic*, 41 NY3d at 320). In this case, the sheetrock was (i) not integral to the task at hand and (ii) a foreign substance or object. In addition, Defendant did not demonstrate that a piece of sheetrock did not cause a slipping condition. Moreover, Plaintiff testified that he slipped on it on his way down the staircase (*see Ruisech v Structure Tone Inc.*, 42 NY3d 1061, 1065 [2024]; *Peralta*, 2024 NY Misc LEXIS 47071, at \*2). Therefore, Defendant did not demonstrate entitlement to summary judgment as a matter of law as to Industrial Code § 23-1.7 (d). Thus, the Court finds that Plaintiff is entitled to partial summary judgment on this claim.

Defendant also claims that neither of the two subsections of Industrial Code § 23-1.7 (e) (“Tripping and other hazards”) applies because Plaintiff *slipped*. This argument is unavailing. The Court of Appeals in *Ruisech* noted that this section “is not limited to ‘tripping’ hazards, but also encompasses ‘other hazards’ that may arise from the described conditions” (*Ruisech*, 42 NY3d at 1065).

Defendant also failed to establish prima facie entitlement to dismissal of claims relating to Section 23-1.7 (e) (1) on another ground. In arguing that subsection (e) (2) does not apply, Defendant admitted that the staircase was being used as a passageway. Therefore, the portion of Defendant’s motion seeking dismissal of Section 23-1.7 (e) (1) is denied. The portion of Plaintiff’s motion seeking summary judgment with respect to this Industrial Code is granted. Turning to

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<sup>5</sup> It is undisputed that Plaintiff’s task was to carry cement or sand to the ground floor.

<sup>6</sup> Unlike the plaintiff in that case, the Plaintiff here did not slip on demolition or construction material he was tasked with removing.

Section 23-1.7 (e) (2), the Court finds that Defendant established prima facie entitlement to dismissal of this Industrial Code since there is no evidence in the record indicating that the staircase was a working area (*see Titov*, 230 AD3d at 617). In opposition, Plaintiff merely asserts that it was a passageway *and* a working area without pointing to any facts sufficient to raise an issue of fact.

In sum, Plaintiff's Labor Law § 241 (6) claim is dismissed to the extent it is based on Industrial Code § 23-1.7 (e) (2). Plaintiff established entitlement to summary judgment as a matter of law with respect to Section 23-1.7 (d) and 23-1.7 (e) (1).

The Court now turns to Plaintiff's Labor Law § 200 and common law negligence claims. "Labor Law § 200 is a codification of the common-law duty imposed on owners, contractors and their agents to provide workers with a safe place to work" (*Mondragon-Moreno v Sporn*, 189 AD3d 1574, 1576 [2d Dept 2020], quoting *Doto v Astoria Energy II, LLC*, 129 AD3d 660, 663 [2d Dept 2015]). "Cases involving Labor Law § 200 fall into two broad categories, namely, those where workers are injured as a result of dangerous or defective premises conditions at a work site and those involving the manner in which the work is performed" (*Southerton v City of New York*, 203 AD3d 977, 979-98 [2d Dept 2022], quoting *Torres v City of New York*, 127 AD3d 1163, 1165 [2d Dept 2015]). "When an accident is alleged to involve defects in both the premises and the equipment used at the work site, a defendant moving for summary judgment with respect to causes of action alleging a violation of Labor Law § 200 is obligated to address the proof applicable to both liability standards" (*DiMaggio v Cataletto*, 117 AD3d 984, 986 [2d Dept 2014]).

Where a plaintiff alleges that his injuries result from the means or methods by which work is performed, "to be held liable under Labor Law § 200, 'a defendant must have the authority to exercise supervision and control over the work'" (*Narvarra v Hannon*, 197 AD3d 474, 476 [2d Dept 2021], quoting *Torres v City of New York*, 127 AD3d at 1165). "A defendant has the authority to supervise or control the work for purposes of Labor Law § 200 when that defendant bears the responsibility for the manner in which the work is performed" (*Roblero v Bais Ruchel High School, Inc.*, 175 AD3d 1446, 1448 [2d Dept 2019], quoting *Ortega v Puccia*, 57 AD3d 54, 62 [2d Dept 2008]). "Although property owners often have a general authority to oversee the progress of the work, mere general supervisory authority at a worksite for the purpose of overseeing the progress of the work and inspecting the work product is insufficient to impose liability under Labor Law § 200" (*Medina-Arana v Henry Street Property Holdings, LLC*, 186 AD3d 1666, 1668 [2d Dept 2020], quoting *Ortega v Puccia*, 57 AD3d at 62; *McFadden v Lee*, 62

AD3d 966, 967 [2d Dept 2009] [general supervisory authority to make aesthetic decisions is also insufficient]).

In support of its motion, Defendant submitted the affirmation of Jacob Frankel (the principal of Defendant), who states that Defendant did not “direct, supervise of [*sic*] control the work” or “provide tools, materials or anything else to” the trades on the site (NYSCEF Doc No. 49). Defendant’s managing agent Abe Fixler also testified that the subcontractors were “supposed to supervise their workers” and Defendant did not provide any hoisting or lifting gear to the construction companies (Fixler tr at 37, lines 15-20; at 38, lines 8-18). At his deposition, Plaintiff testified that he was provided with instructions by a “Jewish guy” whom he identified as the boss of the projects for QF (Pl tr at 21, lines 20-25; at 22, lines 2-7). In his supplemental affidavit, Plaintiff confirmed that he had been “directed by [his] supervisor to make several trips down the flight of stairs” (NYSCEF Doc No. 58). Accordingly, Defendant established *prima facie* that it did not exercise supervision or control over the performance of the work (*see Turgeon v Vassar Coll.*, 172 AD3d 1134, 1136 [2d Dept 2019] [referencing the plaintiff’s deposition testimony that he received instructions only from [his employer’s] employees and not from anyone else]). In opposition, Plaintiff failed to raise an issue of fact. Thus, to the extent that Plaintiff’s common law negligence and Labor Law § 200 cause of action are based upon the means or methods of the work, those claims are dismissed.

Where a plaintiff alleges that his injuries result from an alleged dangerous premises condition, “an owner moving for summary judgment dismissing causes of action alleging common-law negligence and a violation of Labor Law § 200 has the initial burden of making a *prima facie* showing that it neither created the dangerous condition nor had actual or constructive notice of its existence” (*Costa v Sterling Equip., Inc.*, 123 AD3d 649, 650 [2d Dept 2014]).

At the outset, it is uncontested Defendant did not create the dangerous condition. In his cross-motion and in opposition to Defendant’s motion, Plaintiff did not address or refute Defendant’s claim that it did not create the debris. In fact, Plaintiff stated that “the sheetrock encompassed debris that fell out of a container that was removed on a regular basis by a cleaning company” (NYSCEF Doc No. 57, ¶ 24). Accordingly, Plaintiff’s common law negligence and Labor Law § 200 claim will only survive if there is an issue regarding notice.

Upon review of the documents submitted, the Court finds that Defendant established that it had no notice of the alleged defective condition. Turning first to actual notice, in his affirmation,

Mr. Frankel stated that he had “not observe[d] any debris conditions on the stairs” (NYSCEF Doc No. 49, ¶ 9). In addition, Mr. Frankel stated that Defendant was not “aware of any complaints . . . , including any alleged debris” nor did it “received any complaints about the project or the conditions” (NYSCEF Doc No. 49, ¶¶ 7-8). Plaintiff testified that prior to the accident, he had not told anyone about the debris (Pl tr at 50, lines 16-18).

“To provide constructive notice, ‘a defect must be visible and apparent *and* it must exist for a sufficient length of time prior to the accident to permit [the] defendant’s employees to discover and remedy it’ ” (*Daniel v York Terrace, Inc.*, 232 AD3d 579, 579 [2d Dept 2024], citing *Gordon v Am. Museum of Natural History*, 67 NY2d 836, 837 [1986] [emphasis added]). Here, Plaintiff’s deposition testimony supports a finding that Defendant did not have constructive notice. It is undisputed that Plaintiff had taken multiple trips up and down the stairway without incident prior to the accident. At his deposition, Plaintiff responded “No” when asked if at any time prior to the accident he had seen the subject sheetrock (Pl tr at 44, lines 5-11). Plaintiff also testified that he had taken a two to three minute break between the last trip and the trip when the accident happened (Pl tr at 37, lines 14-19). Thus, based on the record presented, “[a]ny finding that the [subject defective condition] had been on the ground for an appreciable period of time sufficient to charge [defendant] with constructive notice would be speculative” (*Weeman v Rouse SI Shopping Ctr., LLC*, 79 AD3d 855, 855 [2d Dept 2010]; *see also Gordon*, 67 NY2d at 838; *Darbinyan v 1806 Ocean Realty, LLC*, 185 AD3d 1003, 1004 [2d Dept 2020]; *Rotunno v Pathmark*, 220 AD2d 570, 571 [2d Dept 1995]).

Contrary to Plaintiff’s contention, the fact that Plaintiff observed other debris on the stairs on the day of the accident and on previous days (*see* Pl tr at 44, lines 12-15; at 48, lines 5-13; at 50, lines 9-15) is “insufficient to establish constructive notice of the specific [dangerous] condition that allegedly caused [him] to fall” (*Bell v Bollenbach & House, Inc.*, \_\_\_NYS3d\_\_\_, 2025 NY Slip Op 04453, \*2 [2d Dept 2025]; *Gordon*, 67 NY2d at 838).

Turning to Plaintiff’s Labor Law § 240 (1) claim, this Court granted the portion of Defendant’s motion seeking dismissal of this cause of action after oral argument on April 30, 2025. “Whether a plaintiff is entitled to recovery under Labor Law § 240 (1) requires a determination of whether the injury sustained is the type of elevation-related hazard to which the statute applies...” (*Wilinski v 334 E. 92nd Hous. Dev. Fund Corp.*, 18 NY3d 1, 7 [2011]). “[I]nsofar as the plaintiff was using the stairwell as a passageway, it did not come within the purview of Labor Law §

240(1)” (*Castro v Wythe Gardens, LLC*, 217 AD3d 822, 825 [2d Dept 2023]; *see also Palacios v 29th St. Apts, LLC*, 110 AD3d 698, 699 [2d Dept 2013]).

Accordingly, it is hereby

ORDERED that Defendant’s motion (Mot. Seq. No. 3) for summary judgment is granted only to the extent that Plaintiff’s common law negligence and Labor Law §§ 200 and 240 (1) causes of action are dismissed, and Plaintiff’s Labor Law § 241 (6) cause of action is dismissed to the extent it is premised on a violation of Industrial Code § 23-1.7 (e) (2), and Defendant’s motion is otherwise denied; and it is further

ORDERED that Plaintiff’s cross-motion (Mot. Seq. No. 4) for partial summary judgment as to his Labor Law § 241 (6) claim is granted only to the extent it is based on violations of Industrial Code §§ 23-1.7 (d) and 23.17 (e) (1).

To the extent not specifically addressed herein, the parties’ remaining contentions and arguments were considered and found to be without merit and/or moot.

This constitutes the decision and order of the court.

E N T E R,



Hon. Ingrid Joseph, J.S.C.

**Hon. Ingrid Joseph  
Supreme Court Justice**