

**Segura-Hoyos v 110 William Prop. Invs. III, LLC**

2025 NY Slip Op 33864(U)

October 8, 2025

Supreme Court, New York County

Docket Number: Index No. 151894/2020

Judge: Paul A. Goetz

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. PAUL A. GOETZ PART 47

*Justice*

-----X

CARLOS SEGURA-HOYOS,  
  
Plaintiff,

- v -

110 WILLIAM PROPERTY INVESTORS III, LLC., SAVCON,  
LLC., ALL BOROUGHES, LLC., SAVANNA REAL ESTATE  
FUND, L.P., JANY DRYWALL CORP.,  
  
Defendants.

-----X

110 WILLIAM PROPERTY INVESTORS III, LLC., SAVCON,  
LLC.  
  
Plaintiffs,

-against-

Defendant.

-----X

HI-LUME CORPORATION  
  
Plaintiff,

-against-

Defendant.

-----X

HI-LUME CORPORATION  
  
Plaintiff,

-against-

ALL-CITY METAL INC.

Defendant.

-----X

INDEX NO. 151894/2020  
  
06/05/2025,  
06/05/2025,  
MOTION DATE 06/05/2025  
  
MOTION SEQ. NO. 014 015 016

**DECISION + ORDER ON  
MOTION**

Third-Party  
Index No. 595372/2020

Second Third-Party  
Index No. 595622/2023

Third Third-Party  
Index No. 595794/2025

110 WILLIAM PROPERTY INVESTORS III, LLC., SAVCON, LLC.

Fourth Third-Party Index No. 595861/2025

Plaintiffs,

-against-

ALL-CITY METAL INC.

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 014) 391, 392, 393, 394, 395, 396, 403, 411, 416, 417, 419, 420, 421, 429, 435, 436, 453, 454, 455, 456, 457, 458, 459

were read on this motion to/for JUDGMENT - SUMMARY.

The following e-filed documents, listed by NYSCEF document number (Motion 015) 375, 376, 377, 378, 379, 380, 401, 414, 418, 422, 423, 424, 425, 426, 427, 431, 432, 433, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451

were read on this motion to/for JUDGMENT - SUMMARY.

The following e-filed documents, listed by NYSCEF document number (Motion 016) 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 402, 415, 428, 430, 434, 438, 452

were read on this motion to/for SUMMARY JUDGMENT(AFTER JOINDER.

Upon the foregoing documents, it is

ORDERED that Third Third-Party Defendant, DONNELLY MECHANICAL CORP,'s ("Donnelly") motion (MS #14) seeking summary judgment pursuant to CPLR § 3212 dismissing Third-Party Defendant / Third Third-Party Plaintiff, Hi-Lume Corporation's ("Hi-Lume") Third Third-Party Complaint as asserted against it is denied, as there exists a triable issue of fact regarding Donnelly's negligence in that plaintiff testified that the debris on the floor in the area he placed his ladder was created by the HVAC contractors (NYSCEF Doc No 144 at 111:13-25; *see German v Antonio Dev., LLC*, 128 AD3d 579, 580 [1st Dept 2015] (Summary judgment for "claims for common law indemnification and contribution and contractual indemnification was

properly denied since there are issues of fact regarding [contractor's] negligence"); and it is further

ORDERED that the portion of defendants', Savcon LLC and 110 William Property Investors III, LLC (together "the Savcon defendants") motion (MS #15) for summary judgment pursuant to CPLR § 3212 dismissing plaintiff's Labor Law § 240(1) cause of action as asserted against them is denied as summary judgment has already been granted in plaintiff's favor on the Labor Law § 240(1) cause of action in the decision and order dated June 20, 2025 (NYSCEF Doc No 462); and it is further

ORDERED that the portion of the Savcon defendants' motion (MS #15) for summary judgment pursuant to CPLR § 3212 dismissing plaintiff's Labor Law § 200 and common law negligence claims as asserted against them is granted since they have established that they "did not actually exercise supervision or control over the means or methods of plaintiff's injury-producing work" (*Siegel v Delta Airlines, Inc.*, 227 AD3d 516, 517 [1st Dept 2024]); and it is further

ORDERED that the portion of the Savcon defendants' motion (MS #15) for summary judgment pursuant to CPLR § 3212 dismissing plaintiff's Labor Law § 241(6) cause of action as asserted against them is granted as plaintiff submits no opposition to this portion of the motion and therefore it is deemed abandoned; and it is further

ORDERED that the portion of the Savcon defendants' motion (MS #15) for summary judgment pursuant to CPLR § 3212 on its contractual indemnification claim as asserted against third-party defendant, Hi-Lume is granted as "in contractual indemnification, the one seeking indemnity need only establish that it was free from any negligence and was held liable solely by virtue of the statutory liability" (*Uluturk v City of New York*, 298 AD2d 233, 234 [1st Dept

2002]), and here as explained above Savcon defendants did not exercise actual control over the injury producing work, and thus their only liability can stem from a statutory violation; and it is further

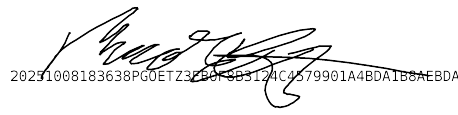
ORDERED that the portion of the Savcon defendants' motion (MS #15) for summary judgment pursuant to CPLR § 3212, on its common law indemnification and contribution claims as asserted against Second Third-Party Defendant, Jany Drywall Corp. ("Jany") is denied as these claims were previously dismissed in the decision and order dated June 20, 2025 (NYSCEF Doc No 462); and it is further

ORDERED that the portion of Hi-Lume's motion (MS #16) for summary judgment pursuant to CPLR § 3212, dismissing the Savcon defendants cause of action for a breach of contract for a failure to procure insurance is granted as the Savcon defendants do not oppose this motion and the cause of action is deemed abandoned (NYSCEF Doc No 428); and it is further

ORDERED that the portion of Hi-Lume's motion (MS #16) for summary judgment pursuant to CPLR § 3212, dismissing Donnelly's counterclaims asserted against is granted as Donnelly submits no opposition to the motion and the counterclaims are deemed abandoned; and it is further

ORDERED that the portion of Hi-Lume's motion (MS #16) for summary judgment pursuant to CPLR § 3212, dismissing plaintiff's Labor Law § 241(6) cause of action is granted

for the reasons stated above.<sup>1</sup>

  
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<u>10/8/2025</u>			<u>PAUL A. GOETZ, J.S.C.</u>
<b>DATE</b>			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input type="checkbox"/> GRANTED		<input checked="" type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> REFERENCE
			<input type="checkbox"/> SUBMIT ORDER
			<input type="checkbox"/> FIDUCIARY APPOINTMENT

<sup>1</sup> While plaintiff submits opposition requesting only that the Labor Law 241(6) claim be only dismissed as against Hi-Lume, plaintiff failed to submit opposition to the Savcon defendants motion regarding the Labor Law § 241(6) cause of action either.