

Briggs v Grand Slam Corp.

2025 NY Slip Op 35109(U)

September 19, 2025

Supreme Court, Bronx County

Docket Number: Index No. 33880/2019E

Judge: Laura G. Douglas

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SCANNED TO
COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX, PART 6

Naja Briggs,

Index No.

33880 / 2019E

-against-

Hon.

LAURA G. DOUGLAS
Justice Supreme Court

Justice Supreme Court

Grand Slam Corp.,

et al

and a Third-Party Action

The following papers numbered 1 to (3) were read on this motion (Seq. No. 3)
for Summary Judgment ~~noticed~~ on December 11, 2024
Submitted

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s). <u>(1)</u>
Answering Affidavit and Exhibits	No(s). <u>(2)</u>
Replying Affidavit and Exhibits	No(s). <u>(3)</u>

Upon the foregoing papers, it is ordered that this motion ~~is~~ by defendant / third-party defendant Mani Renovation Corp. is decided in accordance with the attached memorandum Decision / Order.

Dated:

Dated: 9-19-25

Hon.

Lg
LAURA G. DOUGLAS
Justice Supreme Court

, J.S.C.

- HECK ONE..... CASE DISPOSED IN ITS ENTIRETY CASE STILL ACTIVE
- OTION IS..... GRANTED DENIED GRANTED IN PART OTHER
- HECK IF APPROPRIATE..... SETTLE ORDER SUBMIT ORDER SCHEDULE APPEARANCE
- FIDUCIARY APPOINTMENT REFEREE APPOINTMENT

SCANNED TO
COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. 33880/2019E

NAJA BRIGGS,

Plaintiff,

-against-

GRAND SLAM CORP., WMW REALTY MANAGEMENT LLC,
and MANI RENOVATION CORP.,

Defendants.

DECISION/ORDER

Present:

**Hon. Laura G. Douglas
J. S. C.**

Part 6

GRAND SLAM CORP. and WMW REALTY MANAGEMENT LLC,

Third-Party Defendants,

-against-

MANI RENOVATION CORP.,

Third-Party Defendant.

Recitation, as required by Rule 2219(a) of the C.P.L.R., of the papers considered in the review of this motion for summary judgment (seq. no. 3):

Papers

Numbered

**Notice of Motion by Defendant/Third-Party Defendant Mani Renovation Corp.,
Statement of Material Facts by Alyson L. Knipe, Esq. dated September 13, 2024,
Affirmation of Alyson L. Knipe, Esq. dated September 13, 2024 in Support of
Motion, Memorandum of Law by Alyson L. Knipe, Esq. dated September 13, 2024
in Support of Motion, and Exhibits (“A” through “O”)..... 1**

**Affirmation of Kurtis R. McManus, Esq. dated December 3, 2024 in Opposition
to Motion and Response to Movant’s Statement of Material Facts by Kurtis R.
McManus, Esq. dated December 4, 2024..... 2**

Reply Affirmation of Alyson L. Knipe, Esq. dated December 9, 2024..... 3

Upon the foregoing papers and after due deliberation, the Decision/Order on this motion is as follows:

Defendant/Third-Party Defendant Mani Renovation Corp. (“Mani”) seeks summary judgment

pursuant to CPLR 3212 dismissing the plaintiff's complaint, the third-party complaint, and all cross-claims asserted against it. The motion is granted.

The plaintiff ("Briggs") seeks monetary damages for personal injuries allegedly sustained on August 17, 2019 when she tripped and fell while exiting her apartment's bathroom into a hallway. Defendant Grand Slam Corp. ("Grand Slam") owned the apartment building and defendant WMW Realty Management LLC ("WMW") managed it. Briggs had lived in the apartment for some 34 years. She alleges that the defendants were negligent in causing or allowing defective flooring that was elevated, sunken, uneven, broken, crated, and/or dilapidated to exist in her apartment.

Initially, the Court will excuse the lateness of this motion for good cause. Here, the deposition transcript of Norberto Lebron ("Lebron"), the building's superintendent, was not made available until August 23, 2024 and Mani filed the instant motion shortly thereafter. Lebron's testimony, especially as a witness for an adversary, was critical to Mani's claim that it is not liable for Briggs' accident (*see Fuczynski v. 144 Division, LLC*, 208 AD3d 1153 [2nd Dept 2022]).

In support of its motion, Mani submits Briggs' deposition testimony. She stated that her apartment underwent renovation sometime in 2018, which she claimed included adding a high step to enter her bathroom. Briggs claimed that the floor tile that had just been installed in the hallway at the bottom of the step was cracking and breaking up. In pertinent part, she testified as follows:

Q: How did your accident occur?

A: I used the bathroom. Got up, I walked out the bathroom and when I was stepping down to the step right here, there's like a little step coming out the bathroom. When I stepped to go in my room, because my room is right next to the bathroom, I got to make a left. So I stepped my left foot down and the tile is cracked there and it slid. The tile slid with my left foot and I fell and twisted my left ankle, my foot, sorry.

Q: What foot twisted?

A: My left foot.

Q: You said that was on the tile after the step down in the bathroom?

A: Um-hum.

Q: Sorry, has to be yes or no.

A: Yes.

Q: After your left foot twisted, what happened next?

A: I was coming out the bathroom and my leg twisted coming down off the step. Then my leg hit the tile hard and that's what made me fall. Because the tile slid.

Q: Did your leg twist before you touched that tile?

A: It twist before I touched the tile.

Q: What caused your leg to twist?

- A: The step coming down. There's a step.
- Q: You mean you twisted your body to go to your room?
- A: I was stepping down to go to my room to the left and my leg twisted coming down off the step. Then it hit the tile and then the tile slid. That's what made me fall.
- Q: Was there something on the step that caused your leg to twist?
- A: It wasn't nothing on the step.
- Q: Did the step itself move or shift before your leg twisted?
- A: No.
- Q: That's correct when I say there was nothing on the step itself that caused your leg to twist?
- A: It was nothing on the step.
- Q: Was there something that happened to the step itself that caused your leg to twist when you stepped down?
- A: No, I just twist my ankle coming down on the step.
- Q: As your leg twisted when you went down on the step, that's when your left foot made contact with the tile?
- A: With the tile that was there, the broken tile, um-hum.
- Q: And then the tile slid?
- A: Yes, and that's when I fell.

Mani also relies on the deposition testimony of James Webler ("Webler"), a property manager for WMW who oversaw this building. Webler acknowledged that Briggs' apartment underwent a months-long renovation in 2018, which included replacing the floor tiles in the bathroom. He confirmed that the work was performed by Mani. Webler did not believe that the tile on the floor of the hallway at the bathroom's entrance was also replaced. He also testified that the invoice pertaining to this work did not include any tiling of the hallway area. Webler inspected the bathroom floor tile along with the superintendent after receiving notice of Briggs' claims. He was not sure whether Mani created the step or if it already existed prior to Mani's work.

In addition, Mani offers the deposition testimony of Manuel Jimenez ("Jimenez"), its president. In pertinent part, Jimenez testified that WMW would hire Mani to perform repair work at its properties. He recalled doing bathroom renovation work in Briggs' apartment, which took about eight days. Jimenez testified that his work in Briggs' apartment was to remove the old flooring in the bathroom, lay new ceramic tile flooring, some grout and caulking work to the bathtub, and install a saddle on the edge of the bathroom entrance. He was given this scope of work by Webler. Jimenez specifically denied working on the floor tile in the hallway at the entrance to the bathroom. Mani was instructed to work, and only worked, on the inside of the bathroom, including adding a saddle to the edge of the bathroom. He did describe those hallway floor tiles as damaged.

Finally, Mani relies on Lebron's deposition testimony. Lebron acknowledged that Briggs' bathroom was renovated in 2018. Lebron stated that Briggs' bathroom always had a step, as did all apartments in that vertical line. Lebron also testified that the renovation work did not include the hallway area just outside of the bathroom.

Mani argues that it owed no direct duty of care to Briggs and that it did not negligently create or exacerbate a hazardous condition which caused her injuries. Mani contends that this evidence demonstrates that it did not create the transition step, that the saddle that they installed was not dangerous, and that the area and cause of Briggs' fall was outside of the area where Mani performed its work.

In opposition, Grand Slam and WMW contend that material issues of fact remain regarding whether Mani created or altered the condition that contributed to Briggs' accident. Grand Slam and WMW rely on Briggs' purported testimony that her leg twisted coming down from the step.

To obtain summary judgment, Mani must demonstrate that there are no material issues of fact in dispute and that it is entitled to judgment as a matter of law under these undisputed facts (*see Winegrad v. New York University Medical Center*, 64 NY2d 851 [Ct App 1985] and *Flores v. City of New York*, 29 AD3d 356 [1st Dept 2006]). The moving party's "[f]ailure to make [a] prima facie showing [of entitlement to summary judgment] requires a denial of the motion, regardless of the sufficiency of the opposing papers" (*Vega v Restani Constr. Corporation*, 18 NY3d 499, 503 [Ct App 2012]). To defeat such a showing, an adversary must present facts in admissible form demonstrating that a genuine, triable issue(s) of fact exists which precludes summary judgment (*see Zuckerman v. City of New York*, 49 NY2d 557 [Ct App 1980] and *Flores v. City of New York*, 29 AD3d 356 [1st Dept 2006]). Conclusory or speculative assertions are insufficient (*see Cabrera v. Golden*, 231 AD3d 149 [1st Dept 2024]). Here, Mani owed Briggs a duty of care to exercise reasonable care in renovating her bathroom so as to not launch a force or instrument of harm (*see Espinal v. Melville Snow Contractors*, 98 NY2d 136 [Ct App 2002]).

Here, Mani has demonstrated a *prima facie* entitlement to judgment as a matter of law through evidence that it did not create or exacerbate the dangerous condition to which Briggs attributes her accident. Jimenez unequivocally testified that Mani's work did not include the hallway. Even Webler and Jimenez, witnesses produced on behalf of Grand Slam and WMW, conceded that Mani's work did not involve the hallway floor. Briggs repeatedly stated that there was nothing on the step itself that caused her leg to twist. Rather, she testified that her leg hitting the tile in the hallway is what made her fall because the tile slid. Briggs has not identified any condition in the bathroom, whether the flooring,

the step, or the saddle, that caused her to trip and fall. While Briggs might have believed that new floor tiles were also installed in the hallway, she has submitted no evidence to indicate that it was Mani who did this work. In fact, it is notable that Briggs has not opposed Mani’s motion at all. Therefore, there is no causal link between the hazard posed by the condition of the hallway tile and Mani’s work (*see Piccinich v. New York Stock Exchange*, 257 AD2d 438 [1st Dept 1999]). In addition, there is no evidence indicating how, if at all, any of Mani’s work was performed in a negligent manner or that it created a hazardous condition. Grand Slam and WMW have failed to identify any material issues of fact that would challenge these conclusions.

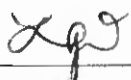
Accordingly, it is hereby

ORDERED that defendant/third-party defendant Mani Renovation Corp. have summary judgment dismissing the plaintiff’s complaint, the third-party complaint, and all cross-claims asserted against it in the main action; and it is further

ORDERED that the Clerk of the Court shall make all necessary entries to reflect the dismissal of the complaint, all cross-claims, and the third-party complaint as against defendant/third-party defendant Mani Renovation Corp. only, including entry of a judgment of dismissal in accordance with the terms of this Decision/Order.

The foregoing constitutes the Decision/Order of this Court.

DATED: September 19, 2025
Bronx, New York



HON. LAURA G. DOUGLAS
J.S.C.