

**Richardson v One Two Four Madison Assoc., L.L.C.**

2025 NY Slip Op 35136(U)

December 17, 2025

Supreme Court, New York County

Docket Number: Index No. 153766/2023

Judge: Leslie A. Stroth

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

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INDEX NO. 153766/2023

TIFFANY RICHARDSON,

MOTION DATE 06/27/2025

Plaintiff,

MOTION SEQ. NO. 001

- v -

ONE TWO FOUR MADISON ASSOCIATES, L.L.C.,
STELLAR MANAGEMENT CO., INC.

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27

were read on this motion to/for JUDGMENT - SUMMARY

FACTUAL BACKGROUND

This action arises from an alleged accident that occurred on January 11, 2022, at approximately 6:00 p.m., on an interior staircase located within the premises known as 27 East 124th Street, New York, New York. Plaintiff alleges that while she was descending the staircase, a marble stair tread cracked and caved in beneath her foot, causing her to fall and sustain serious personal injuries.

Plaintiff alleges that defendant One Two Four Madison Associates, L.L.C. owned, operated, managed, maintained, and controlled the premises, including the interior stairways, and defendant Stellar Management Co., Inc. served as the managing agent responsible for the operation, maintenance, and repair of the premises.

Plaintiff alleges that defendants were negligent in permitting the staircase to remain in a dangerous, cracked, unstable, and defective condition for a sufficient period of time after having

actual and/or constructive notice of the condition, and in failing to properly inspect, repair, or warn of the alleged hazard.

In Motion Sequence 001, Defendants move for summary judgment seeking dismissal of Plaintiff's complaint.

### LEGAL STANDARD

The proponent of a motion for summary judgment must tender sufficient evidence to show the absence of any material issue of fact and the right to entitlement to judgment as a matter of law (*Alvarez v Prospect Hosp.*, 68 NY2d 320, 323 [1986]). Once a party has submitted competent proof demonstrating that there is no substance to its opponent's claims and no disputed issues of fact, the opponent, in turn, is required to "lay bare [its] proof and come forward with some admissible proof that would require a trial of the material questions of fact on which [its] claims rest" (*Ferber v Sterndent Corp.*, 51 NY2d 782, 783 [1980]). The party opposing a motion for summary judgment is entitled to all favorable inferences that can be drawn from the evidence submitted (*See Dauman Displays, Inc. v Masturzo*, 168 AD2d 204, [1st Dept 1990]).

### DISCUSSION

Defendants argue that the subject step broke spontaneously at the moment plaintiff stepped on it, that no visible defect existed prior to the accident, and that defendants lacked both actual and constructive notice of any defective condition. Defendants further rely on testimony that plaintiff had traversed the staircase numerous times prior to the accident without incident and had not observed any defect before the fall.

Plaintiff, in opposition, argues that defendants failed to establish when the staircase was last inspected prior to the accident. Plaintiff points to post-accident photographs depicting a

cracked stair tread, testimony concerning recent replacement of other steps in the same stairway, and the absence of affidavits or testimony from building personnel allegedly responsible for routine inspection and maintenance. Plaintiff contends that these facts raise triable issues as to the existence of a preexisting defect and defendants' constructive notice thereof.

The Court finds that defendants have failed to establish their prima facie entitlement to judgment as a matter of law.

Here, defendants rely primarily on testimony that plaintiff did not observe a crack prior to stepping on the stair and that no complaints had been made regarding the subject step. However, defendants have not submitted evidence establishing when the staircase was last inspected prior to the accident, nor have they provided affidavits or testimony from the superintendent or porter who, according to the record, were responsible for routine maintenance and inspection of the premises.

Issues of fact remain as to whether the stair tread was in a deteriorated condition prior to the accident. Plaintiff testified that the marble step cracked from front to back and caved in beneath her foot, and post-accident photographs depict a fractured tread. Additionally, plaintiff testified that other steps in the same stairway had been replaced shortly before the accident, giving rise to a factual issue as to whether defendants were on notice of ongoing conditions affecting the integrity of the staircase. Whether the condition was latent and sudden, or instead the result of gradual deterioration, is a question of fact for the jury.

Accordingly, as material issues of fact remain regarding the existence of a dangerous condition, defendants' notice of that condition, and the reasonableness of defendants' inspection and maintenance practices, summary judgment must be denied. As such, Defendants' motion for summary judgment is denied in its entirety.

The court has considered the remaining arguments of the parties and finds such unavailing.

Accordingly; it is hereby

ORDERED that Defendants motion for summary judgment is denied in its entirety.

The foregoing constitutes the Decision and Order of the Court.

12/17/2025

DATE

*[Handwritten Signature]*  
~~HON. JUDGE A. STROTH~~  
J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE