

<b>Williams v Gateway Ctr. Parking Assn. LLC</b>
2026 NY Slip Op 31825(U)
April 17, 2026
Supreme Court, Kings County
Docket Number: Index No. 537095/2023
Judge: Richard J. Montelione
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KINGS COUNTY CLERK  
FILED

2026 APR 27 A 9:24

At IAS Part 99 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, NY 11201, on the 17th day of April 2026.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: PART 99

**DECISION  
and  
ORDER**

-----X  
LISA CAROL WILLIAMS,

Plaintiff,

-against-

GATEWAY CENTER PARKING ASSOCIATION, LLC d/b/a  
GATEWAY CENTER,

Defendants.  
-----X

Index No.: 537095/2023  
Motion Date: 4/16/2026  
Motion Cal. No.: 3  
Mot. Seq. 3

After oral argument, the following papers were read on this motion pursuant to CPLR 2219(a):

Papers	NYSCEF DOC. #
Defendant's Notice of Motion/Order to Show Cause/Affidavits/Affirmations/Exhibits..	112-122
Plaintiff's Answering Affirmations/Affidavits/Exhibits.....	123-127
Defendant's Reply Affirmations/Affidavits/Exhibits.....	128-129
Other.....	

MONTELIONE, RICHARD J., J.

This action commenced by filing the summons and complaint on December 19, 2023, alleging that a sidewalk adjacent to property owned by the defendant was defective causing the plaintiff to suffer personal injuries as a result of a trip and fall on December 17, 2021. Issue was joined on February 28, 2024, by service and filing of an answer.

Defendant now moves for summary judgment dismissing the complaint in its entirety arguing that the evidence establishes that Plaintiff was not walking on the sidewalk adjacent to/abutting 579 Gateway Drive, Brooklyn, NY, and, thus, has no claims against Defendant under §7-210 of the Administrative Code of the City of New York, §19-152 of the Administrative Code of the City of New York, or Common Law Negligence. In support of defendant's motion, defendant provides a deposition transcript of Dr. Shane Naidoo, M.D., a doctor in Emergency Medicine, and the doctor who interacted with plaintiff on the date of the accident. Dr. Naidoo testified that the hospital's certified medical records reflect that the plaintiff made a statement that she tripped and fell forward when leaving a bus and this statement was either given to EMS and then conveyed to him or given directly to him from the plaintiff. (NYSCEF #120, 11:5-19).

*Williams v. Gateway Center Parking Association, LLC, et al*, Index No. 537095/2023

According to Dr. Naidoo, the EMS records are incorporated into the medical records but these records were not part of the certified records. The certified medical records (NYSCEF #120) reflect the following (NYSCEF #120, annexed after deposition of Dr. Naidoo, p. 8):

57 y/o female, hx of asthma, lupus, DVTs currently on Warfarin, presenting to ED for fall. BIBEMS  
NO pre notification. States that she was stepping off the bus when she tripped and fell forwards landing on to her head and nose. Did not lose consciousness, reports that she was able to get up and walk to a nearby store to ask for assistance calling EMS. Pt reports that she may have fallen on her knees when she fell. EMS arrived, pt was A&O×4, moving all 4 extremities, with obvious facial trauma. Bandaged and transported to ED without further intervention. ROS otherwise negative including No fevers, chills, headaches, chest pain, shortness of breath, abdominal pain, nausea, vomiting, diarrhea, constipation, muscle aches, weakness, numbness, tingling.

When asked whether information regarding plaintiff tripping and falling off the bus be germane or aid in diagnosing and treatment and treating plaintiff, the following is reflected in the deposition transcript (NYSCEF #120, 12:19-25):

Q And would this statement that she tripped and fell off the bus be germane or aid you in diagnosing and treatment and treating Ms. Williams because it would rule out certain medical conditions, such as fainting or losing consciousness?

A Yes.

NYSCEF #120, 17:15-25, 18:2-:

Q I see. Now, how relevant would it have been to your diagnosis where the patient fell, whether it was off the bus, the parking lot, somewhere else?

A Extremely important.

Q Okay. My question is would it matter exactly where the patient fell or is it more important to know that she just fell and hit her face?

A It would matter where because, say, for example, if she fell from a bus; although some buses have the stooping capabilities and wheel-in capabilities, it does say this height was a little bit taller.

*Williams v. Gateway Center Parking Association, LLC, et al*, Index No. 537095/2023

So instead of falling from five-and-a-half, six-and-a-half feet she may have fallen from 7 feet, i.e. the patient's height now is elevated from where it was. It also matters where she landed, did she land on the concrete pavement, did she land on the asphalt, did she land to grass, or a ditch. So it does matter where the patient landed, and how high they started when they fell.

Plaintiff directs the court's attention to deposition testimony where the plaintiff denies she tripped when stepping out of a bus and also provides the court with an ambulance call report. The report provided by the defendant is not certified but it appears to be an ambulance affiliated with Brookdale University Hospital but not part of the certified records. The court may not consider these uncertified records (NYSCEF #127), but if these records were considered the records indicate that "Pt states she tripped over a step and fell face down," which is not inconsistent with falling after tripping by "stepping off" a bus. Plaintiff also directs the courts attention to certified records of Target, but these records created by individual Target employees, indicate that "a guest came into the store went to use our bathroom and another guest saw her face bleeding. Guest had fallen after leaving the bus, there was a bump in the street and fell" and "she said she got of(f) the Q8 bus and she fell" and "was walking from bus stop, there was a bump in street and she fell."

The certification of the hospital records, the uncontroverted deposition testimony of Dr. Naidoo that the mechanism of the accident was needed for diagnosis and treatment given the particular trauma suffered by plaintiff and therefore being "germane to medical diagnosis and treatment," and the defendant having established that the plaintiff was the source of the information, the court finds that the defendant met the double or triple hearsay exceptions and the statement shall be treated as an admission by the plaintiff that the accident did not occur on the sidewalk as alleged. (*Pillco v. 160 Dikeman Street, LLC*, 245 AD3d 49 [2 Dept 2025]). Moreover, this admission makes any testimony to the contrary by plaintiff incredible as a matter of law as plaintiff would be highly motivated to provide accurate information to an Emergency Room doctor for care and treatment. *Id.* (See also *McCoy v Zaman*, 67 AD3d 653, 654 [2d Dept 2009], "The defendant's affidavit submitted in opposition to the motion raised only feigned issues of fact intended solely to avoid the consequences of his prior admission" (see *Nieves v. JHH Transp., LLC*, 40 A.D.3d at 1060)).

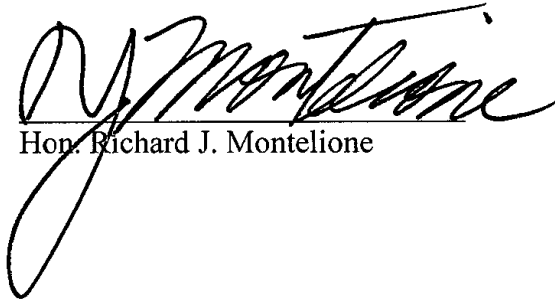
Based on the foregoing, it is

**ORDERED** that the defendant's motion is GRANTED (MS#3) and the complaint is DISMISSED; and it is further

**ORDERED** that all other requests for relief are DENIED.

*Williams v. Gateway Center Parking Association, LLC, et al*, Index No. 537095/2023

This constitutes the decision and order of the Court.



Hon. Richard J. Montelione

For Clerk's use only: MG ___ [ ] to the extent MD _____ Motion seq. # _____
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