

7 N.Y.3d 917

(Cite as: 7 N.Y.3d 917, 860 N.E.2d 987)

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Lempert v. Steinberg & Pokoik Management Corp.
7 N.Y.3d 917, 827 N.Y.S.2d 684
NY,2006.

7 N.Y.3d 917860 N.E.2d 987, 827 N.Y.S.2d 684,
2006 WL 3740418, 2006 N.Y. Slip Op. 09664

Cathy Lempert, Appellant
v

Steinberg & Pokoik Management Corp. et al., Re-
spondents
Court of Appeals of New York

Decided December 21, 2006

CITE TITLE AS: Lempert v Steinberg & Pokoik
Mgt. Corp.

SUMMARY

Appeal from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered August 3, 2006. The Appellate Division, with two Justices dissenting, (1) reversed, on the law, an order of the Supreme Court, New York County (Louis B. York, J.), which had denied defendants' motion for summary judgment dismissing the complaint, and (2) granted the motion.

Plaintiff allegedly sustained injuries when she slipped on some gritty, granular particles on the floor of the lobby of the building where she worked, which was owned and managed by defendants.

Lempert v Steinberg & Pokoik Mgt. Corp., 32 AD3d 215, reversed.

HEADNOTE

Negligence
Maintenance of Premises
Slip and Fall

In an action to recover damages for injuries

plaintiff allegedly sustained when she slipped on some gritty, granular particles on the floor of the lobby of the building where she worked, which was owned and managed by defendants, defendants' motion for summary judgment should have been denied. Questions of fact existed concerning whether a slippery substance on the floor caused plaintiff's injuries and, if so, whether defendants' negligence created the condition.

APPEARANCES OF COUNSEL

Friedman & James LLP, New York City (*John P. James* of counsel), for appellant.
Herzfeld & Rubin, P.C., New York City (*Linda M. Brown* of counsel), for respondents.

OPINION OF THE COURT

On review of submissions pursuant to section 500.11 of the Rules of the Court of Appeals (22 NYCRR 500.11), order reversed, with costs, and defendants' motion for summary judgment denied. Questions of fact exist concerning whether a slippery substance on the floor caused plaintiff's injuries and, if so, whether defendants' negligence created the condition.

Concur: Chief Judge Kaye and Judges Ciparick, Graffeo and Pigott. Judges Rosenblatt, Read and Smith dissent and vote to affirm for the reasons stated in the memorandum by the Appellate Division (32 AD3d 215 [2006]).**2 *919

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NY,2006.

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