Busweiler v MCB Partnership
2012 NY Slip Op 32725(U)
September 13, 2012
Sup Ct, Orange County
Docket Number: 3060/2011
Judge: Catherine M. Bartlett
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SUPREME COURT-STATE OF NEW YORK
IAS PART-ORANGE COUNTY

Present: HON. CATHERINE M. BARTLETT, A.J.S.C.

SUPREME COURT : ORANGE COUNTY

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DAWNMARIE BUSWEILER,

Plaintiff,

-against-

MCB PARTNERSHIP, JAMES P. MILLETT, ROBERT JOHN O'CONNOR and JAMES D. BANNON,

Defendants.

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To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

Index No. 3060/2011
Motion Date: September 10, 2012

The following papers numbered 1 to 6 were read on the motion for summary judgment made by defendants:

Notice of Motion-Affirmation-Exhibits.. 1-3

Affirmation in Opposition-Exhibits.. 4-5

Reply Affirmation. 6

Upon the foregoing papers, it is ORDERED that the motion is disposed of as follows:

This is an action in personal injury stemming from an alleged trip and fall accident which occurred on July 19, 2010 on the sidewalk around the Blockbuster Video store located at 104A Temple Hill Road, New Windsor, New York at approximately 10:15 p.m.

Plaintiff alleged that upon exiting the video store in which she worked, she traversed a sidewalk which she claims contained concrete flagstones, one of which was raised significantly higher than the other which caused her to trip and fall, thereby sustaining injuries. She claims

that it was the landlord's responsibility to properly maintain the sidewalk area and due to defendants' failure to do so, she tripped, fell and was caused injuries. Plaintiff alleges a lack of adequate lighting as an additional cause of her fall.

Defendants move for summary judgment claiming that they were out of possession landlords and therefore bore no responsibility for the accident scene, that they were never told of any hazardous condition giving rise to plaintiff's accident prior to the alleged accident date, that they lacked constructive notice of the condition at issue and that they did not create the condition itself.

To that end, defendants submit various deposition transcripts of the parties. Plaintiff testified that she never noticed the condition which allegedly caused her to trip and fall during the more than 300 times she previously traversed the area in question prior to her fall . She said that she never heard any complaints by customers or anyone concerning the condition at issue and she never reported any defective sidewalk condition herself. According to the deposition of one of the defendants, James Bannon, neither he, nor anyone else on defendants' behalf ever inspected the subject premises. He testified that he and his partners constructed the store and the parking area as well.

Plaintiff opposes the motion claiming that defendants constructed the premises and therefore failed to demonstrate that they did not create the condition. Plaintiff does not dispute the absence of any actual notice, but claims that due to the failure of defendants to inspect the subject premises, summary judgment must be denied. Moreover, plaintiff submits the affidavit of an investigator who took photographs which are alleged to represent the accident scene, as well as light meter readings from the location of the accident. Plaintiff further submits the report and

CV of a professional engineer concerning the subject premises and its condition.

Summary judgment is a drastic remedy that "should not be granted where there is any doubt as to the existence of a triable issue" (citations omitted). In its analysis of such a motion, a court must construe the facts in a light most favorable to the nonmoving party so as not to deprive that person his or her day in court (citations omitted). *Russell v A. Barton Hepburn Hosp.*, 154 AD2d 796, 797 (3rd Dept. 1989); *See also, Mascots v Oarlock*, 23 AD2d 943, 944 (3rd Dept., 1965).

While summary judgment is an available remedy in some cases, its dire effects preclude its use except in "unusually clear" instances. *Stone v Aetna Life Ins. Co.*, 178 Misc. 23, 25 (Sup. Ct., New York County,1941). "A remedy which precludes a litigant from presenting his evidence for consideration by a jury, or even a judge, is necessarily one which should be used sparingly, for its mere existence tends to alter our jurisprudential concept of a 'day in court.'" *Danger v Zea*, 45 Misc2d 93, 94, (Sup. Ct., Albany County, 1965), *aff'd* 26 AD2d 729 (3rd Dept.1966). Given the fact that summary judgment is the procedural equivalent of a trial, granting summary judgment requires that no material or triable issues of fact exist. When doubt exists or where an issue is arguable, or "fairly debatable," summary judgment must be denied. *Bayesian v HF Horn*, 21 AD2d 714 (1st Dept. 1964); *Jones v County of Herkimer*, 51 Misc2d 130, 135 (Sup. Ct., Herkimer County, 1966); *Town of Preble v Song Mountain, Inc.*, 62 Misc2d 353, 355 (Sup. Ct., Courtland County, 1970); *See also, Sillman v Twentieth Century-Fox Film Corporation*, 3 NY2d 395, 404 (1957). The drastic remedy of summary judgment is rarely granted in negligence cases since the very question of whether the defendant's conduct was indeed negligent is a jury question except in the most glaring cases. *See, Johannsdottir v Kohn*, 90 AD2d 842 (2nd Dept.

1982).

Courts are not authorized to try issues in a case, but rather to determine whether there is an issue to be tried. *Esteve v Abad*, 271 AD2d 725, 727 (1st Dept. 1947). "Issue-finding, rather than issue-determination, is the key to the procedure. If and when the court reaches the conclusion that a genuine and substantial issue of fact is presented, such determination requires the denial of the application for summary judgment." *Id.; Sillman*, 3 NY2d at 404.

According to the Court of Appeals, "the proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to eliminate any material issues of fact from the case [citations omitted]. Failure to make such a showing requires the denial of the motion, regardless of the sufficiency of the opposing papers [citations omitted]." *Winegrad v New York University Medical Center*, 64 NY2d 851, 853 (1985); *Ayotte v Gervasio*, 81 NY2d 1062, 1063 (1993); *Finkelstein v Cornell University Medical College*, 269 AD2d 114, 117 (1st Dept. 2000).

It is well established that "[t]he proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to eliminate any material issues of fact from the case." *Winegrad v New York University Medical Center,* 64 NY2d 851, 853 (1985); *Ayotte v Gervasio*, 81 NY2d 1062, 1063 (1993); *Finkelstein v Cornell University Medical College*, 269 AD2d 114, 117 (1st Dept. 2000). The moving party must affirmatively demonstrate the merits of its claim or defense, and cannot obtain summary judgment merely by "pointing to gaps in its opponent's proof." *Kajfasz v Wal-Mart Stores, Inc.,* 288 AD2d 902, 902 (4th Dept. 2001); *Dodge v City of Hornell Industrial Development Agency,* 286 AD2d 902, 903 (4th Dept. 2001)*; Frank v Price Chopper Operating Co., Inc.,* 275 AD2d 940

(4th Dept. 2000).

A party moving for summary judgment has the burden of submitting evidence, in admissible form, to support his motion. *Zuckerman v City of New York*, 49 NY2d 557, 562 (1980). Unsworn documents are inadmissible evidence and thus a party's reliance thereon in support of a motion for summary judgment is improper. *See, Huntington Crescent Country Club v M & M Auto & Marine Upholstery, Inc.*, 256 AD2d 551, 551 (2nd Dept. 1998).

"In moving for summary judgment, the defendant [bears] the initial burden of establishing that it maintained its premises in a reasonably safe condition, had no actual or constructive knowledge of the [condition] and did not create the allegedly dangerous condition." *Petrell v Victory Markets, Inc.,* 283 AD2d 955 (4th Dept. 2001); *Grant v Radamar Meat,* 294 AD2d 398, 398 (2nd Dept. 2002); *Atkinson v Golub Corporation Company,* 278 AD2d 905, 906 (4th Dept. 2000).

The moving party's failure to meet this burden of proof "requires denial of the motion, regardless of the sufficiency of the opposing papers", for the burden in that event never shifts to the opponent to demonstrate the existence of a material issue of fact. *Winegrad v New York University Medical Center, supra,* 64 NY2d at 853. The Second Department has repeatedly affirmed that the movant's failure in the first instance to demonstrate entitlement to the drastic relief of summary judgment mandates denial of the motion regardless of the sufficiency of the opposing papers. *See, e.g., Miccoli v Kotz,* 278 AD2d 460, 461 (2nd Dept. 2000); *Karras v County of Westchester,* 272 AD2d 377, 378 (2nd Dept. 2000); *Fox v Kamal Corporation,* 271 AD2d 485 (2nd Dept. 2000); *Gstalder v State of New York,* 240 AD2d 541, 542 (2nd Dept. 1997); *Lamberta v Long Island Railroad,* 51 AD2d 730, 730-731 (2nd Dept. 1976); *Greenberg v*

Manlon Realty, Inc., 43 AD2d 968, 969 (2nd Dept. 1974).

A landowner's responsibility is to assure that the conditions on his property are reasonably safe. *Basso v Miller*, 40 NY2d 233, 241 (1976); *Comeau v Wray*, 241 AD2d 602, 603 (3rd Dept. 1997); *White v Gabrielli*, 272 AD2d 469, 469 (2nd Dept. 2000); *Rovegno v Church of the Assumption*, 268 AD2d 576, 576 (2nd Dept. 2000); *Kurshals v Connetquot Central School District*, 227 AD2d 593, 593 (2nd Dept. 1996).

Specifically, the *Basso* Court stated that

> [i]ndeed as the duty was so clearly stated in *Smith v. Arbaugh's Rest*. [152 U.S. App. D.C. 86, 469 F.2d 97, 100 [D.C. Cir. 1972]]: "A landowner must act as a reasonable man in maintaining his property in a reasonably safe condition in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden of avoiding the risk". Application of the single rule in the instant case exemplifies its good sense, for the duty of keeping the roads of Ice Caves Mountain in repair should not vary with the status of the person who uses them but, rather, with the foreseeability of their use and the possibility of injury resulting therefrom.

Basso, 40 NY2d at 241, 352 NE2d at 872, 386 NYS2d at 568; *Kurshals*, 227 AD2d at 593, 643 NYS2d at 623 (2nd Dept. 1996); *Rovengno*, 268 AD2d at 576, 703 NYS2d at 497 (2nd Dept. 2000).

As expressed in *Cupo v Karfunkel*, 1 AD3d 48 (2nd Dept. 2003), once a plaintiff presents evidence of a dangerous condition, the burden shifts to the landowner to demonstrate that he acted with reasonable care to make the property safe based upon the likelihood of injury to others and the burden of avoiding the risk. *See, Id.* at 52.

In *Comeau, supra*, a deliveryman sued the property owners after falling on stairs leading to a root cellar. Landowners are under a duty to maintain their premises in a reasonably safe

condition in view of the circumstances, including the likelihood of injury to others. *See, Id.* at 603. This duty encompasses warning others of the danger, including obvious ones, or take reasonable steps to protect others from the dangers. *See, Id.* Moreover, where members of the public frequent a location, a landowner owes a "nondelegable duty 'to provide members of the general public with a reasonably safe premises, including a safe means of ingress and egress.' (*Thomassen v. J & K Diner*, 152 AD2d 421, 424, 549 N.Y.S.2d 416; *see, Richardson v. Schwager Assoc.*, 249 A.D.2d 531, 531-532, 672 N.Y.S.2d 114).". *Arabian v Benenson*, 284 AD2d 422, 422 (2nd Dept. 2001); *see, Reynolds v Sead Development Group*, 257 AD2d 940, 940 (3rd Dept. 1999); *June v Bill Zikakis Chevrolet, Inc.*, 199 AD2d 907, 909 (3rd Dept. 1993). Where a property owner has a nondelegable duty to keep the premises safe, the duty may not be delegated to agents, employees or independent contractors. *See, Backiel v Citibank, N.A.*, 299 AD2d 504 (2nd Dept. 2002). The property owner is in the best position to assume the risks associated with conditions existing on its property since it is consistent with the general responsibility of owners to maintain their premises in a reasonably safe condition under all circumstances. *See Basso*, 40 NY2d 233.

An out of possession landlord is liable for injuries which occur on the subject premises so long as it either retains control over the leased premises, it reserves the right to repair or maintain the property, or it retains control over the operation of the business conducted on the property (Emphasis suppled). *See, Borelli v 1051 Realty Corp.*, 242 AD2d 517, 518 (2nd Dept. 1997); *Pastor v R.A.K. Tennis Corp.*, 278 AD2d 395, 395 (2nd Dept. 2000); *Gallo v Apollon City Corp.*, 278 AD2d 363, 363-364 (2nd Dept. 2000); *Gordon v Foster Apartments Corp.*, 260 AD2d 540, 541, (2nd Dept. 1999); *De Cristofaro v Joann Enterprises Inc.*, 243 AD2d 1015, 1017 (3rd Dept.

1997); *Downey v R.W. Garraghan, Inc.*, 198 AD2d 570, 571 (3rd Dept. 1993); *Young v J.M. Moran Properties, Inc.*, 259 AD2d 1037, 1038 (4th Dept. 1999); *Mikolajczyk v M.C. Morgan Contractors, Inc.*, 273 AD2d 864, 865 (4th Dept. 2000); *Henness v Lusins*, 229 AD2d 873, 873-874 (3rd Dept. 1996). This axiom further extends to owners/lessors and lessees/sublessees. *See, Baker v Getty Oil Co.*, 242 AD2d 644, 645 (2nd Dept. 1997). Defendants' argument that they are out of possession landlords is unavailing. Specifically, the lease agreement vests maintenance responsibilities for the sidewalks and common areas as solely within defendants' purview. By retaining such control over the common areas, specifically the sidewalk at issue, defendants are not entitled to the protections given to out of possession landlords.

Furthermore, defendants claim an absence of any actual or constructive notice of the condition. As the initial proponent of summary judgment, defendants were obligated to demonstrate that they lacked actual or constructive notice of the precipitating condition or that it did not create the condition. *See generally*, *Gordon v American Museum of Natural History*, 67 NY2d 836 (1986); *Gloria v MGM Emerald Enterprises, Inc.*, 298 AD2d 355 (2nd Dept.,2002); *Van Steenburg v Great Atlantic & Pacific Tea Company Inc., supra,* 235 AD2d 1001 (3rd Dept. 1997). *See, Curzio v Tancredi*, 8 AD3d 608 (2nd Dept. 2004); *Petrell v Victory Markets, Inc.,* 283 AD2d 955 (4th Dept. 2001); *Atkinson v Golub Corporation Company,* 278 AD2d 905, 906 (4th Dept. 2000); *Frank v Price Chopper Operating Co., Inc., supra,* 275 AD2d 940 (4th Dept. 2000).

Despite plaintiff's contentions to the contrary, there is no evidence whatsoever that defendants created the alleged defect in the sidewalk. The mere fact that they constructed the sidewalks years earlier does not automatically translate into creating an uneven sidewalk,

especially in light of the fact that plaintiff traversed that area hundreds of times in the past and never noticed the condition prior to her accident. As such, summary judgment is granted to defendants on the issue of a condition created.

Defendants, as movants for summary judgment, had the initial burden of establishing the lack of actual or constructive notice. *See, Lowe v Olympia & York Companies,* 238 AD2d 317 (2nd Dept. 1997); *Alvarez v Compass Retail, Inc.,* 237 AD2d 473 (2nd Dept. 1997); *see also, Lesocovich v 180 Madison Ave. Corp.,* 81 NY2d 982 (1993). Defendants' uncontroverted testimony that they did not receive any complaints concerning the condition at issue and plaintiff's testimony that she never notified them, nor anyone else to her knowledge, necessitates the granting of summary judgment on the issue of actual notice of the condition.

Proof of lack of actual notice alone is insufficient. *See, Reinemann v Stewart's Ice Cream Co., Inc.,* 238 AD2d 845 (3rd Dept. 1997). It was also incumbent on defendants, as movants, to show lack of constructive notice, in that the condition which caused the accident was not visible or apparent for a sufficient length of time to permit defendants, in the exercise of reasonable care, to remedy the defect. *See, Reinemann, supra; Cobrin v County of Monroe,* 212 AD2d 1011 (4th Dept. 1995).

Defendants were obligated to demonstrate that they made reasonable efforts to inspect the subject premises in order to ascertain whether there were hazardous or defective conditions about which they would receive actual or constructive notice. *See, Zuckerman v State of New York*, 209 AD2d 510, 512 (2nd Dept. 1994).

As the Court stated in *Haleemeh M.S. ex rel. Mohammad S.F. v MRMS Realty Corp.,* 28 Misc3d 443 (Sup. Kings, 2010):

> "Constructive notice" is described both as a legal inference and a duty of inquiry. "Constructive notice is a legal inference from established facts." (*Bierzynski v. New York Central R.R. Co. .,* 31 A.D.2d 294, 297, 297 N.Y.S.2d 457 [4th Dept 1969], *aff'd* 29 N.Y.2d 804 [1971] [*quoting Birdsall v. Russell,* 29 N.Y. 220, 248 (1864)].) "Constructive notice ordinarily means that a person should be held to have knowledge of certain facts because he knows other facts from which it is concluded that he actually knew, or ought to have known, the fact in question." (*Id.* [*quoting* 42 N.Y. Jur., Notice and Notices, § 3.)
>
> "Constructive notice also exists whenever it is shown that reasonable diligence would have produced actual notice." (*Id.*) "A person is chargeable with constructive notice of any fact which would have been disclosed by a reasonably diligent inquiry if circumstances are such as to indicate to a person of reasonable prudence and caution the necessity of making inquiry to ascertain the true facts and he or she avoids such inquiry." (*Majer v. Schmidt,* 169 A.D.2d 501, 503, 564 N.Y.S.2d 722 [1st Dept 1991].) "One who has reasonable grounds for suspecting or inquiring ought to suspect, ought to inquire, and the law charges him with the knowledge which the proper inquiry would disclose." (*Fidelity & Deposit Co. v. Queens County Trust Co.,* 226 N.Y. 225, 233 [1919].)

In *Wynn v T.R.I.P. Redevelopment Associates*, 296 AD3d 176, 181 (3rd Dept. 2002), the Court held that a "landlord is generally chargeable with notice of the dangerous conditions which a reasonable inspection would have discovered – the adequacy of the inspections usually being a question for the jury [cit. om.]."(emphasis supplied). It should also be noted that so long as "**a defendant has a duty to conduct reasonable inspections of the premises, the issue of actual or constructive notice is irrelevant**." (Emphasis supplied) *Weller v Colleges of the Senecas*, 217 AD2d 280, 285 (4th Dept. 1995); *Watson v City of New York*, 184 AD2d 690, 690 (2nd Dept. 1992). The lease imposes a duty upon defendants to maintain the sidewalks, and inherent in such a duty to maintain is a duty to inspect to assure that maintenance is actually performed. These

defendants adduced no evidence whatsoever concerning a specific maintenance protocol for the subject premises. Defendant Bannon specifically testified that none of the defendants ever inspected the subject premises. This glaring deficiency in the defendants' proof precludes a finding that the defendants lacked constructive notice as a matter of law and further that defendant even made out a prima face case for summary judgment. *See, Mancini v Quality Markets, Inc.,* 256 AD2d 1177 (4th Dept. 1998); *Edwards v Wal-Mart Stores Inc.,* 243 AD2d 803 (3rd Dept. 1997); *Van Steenburg v Great Atlantic & Pacific Tea Company Inc.,* 235 AD2d 1001 (3rd Dept. 1997). In all of these cases, the defendants proffered testimony on this score and still failed to meet its initial burden of proof on the motion for summary judgment.

In *Mancini, supra,* the Court wrote:

> Although plaintiff will bear the burden at trial of proving that defendant had actual or constructive notice of the dangerous condition, on a motion for summary judgment defendant bears the burden of establishing lack of notice as a matter of law [cit.om.]. The affidavit of the store manager and the deposition testimony of the front end manager are not sufficient to sustain defendant's burden. Neither was able to state when the area had last been inspected, or which employee was responsible for inspection or clean up in the produce area. Plaintiff's accident occurred after 9:30 p.m., and both witnesses indicated that the produce manager, who is responsible for the produce area, left at 5:00 p.m. at the latest. Although both witnesses indicated that the store had a policy of inspection of the entire store every hour, no documentation was provided to establish that the policy was followed on the day of plaintiff's accident, nor could either witness recall having performed such inspections. Consequently, defendant failed to establish that the grapes had not been on the floor for a sufficient length of time to permit an employee to discover and remedy the condition.

Id., 256 AD2d at 1177-78.

In *Edwards, supra,* where the plaintiff fell in a puddle of dirty water at around 8:30 p.m.,

the Court wrote:

> In support of the motion [for summary judgment], defendant submitted the examination before trial of its comanager who testified that, although there was no set schedule, the "general practice" of the store was to inspect the area around the restrooms every half hour to an hour. However, in response to plaintiff's interrogatories, defendant admitted that it was unknown "what maintenance, inspection or cleaning was done in the area of the ladies' room" on the day of plaintiff's accident. The only pertinent evidence on this point was the testimony from a courtesy desk employee who stated that the last time she inspected the area that day was prior to 7:00 p.m., at which time she did not notice water on the floor.
>
> In our view, this evidence was insufficient to meet defendant's burden of showing that it did not have constructive notice of the dangerous condition [cit.om.].

Id., 243 AD2d at 803.

Finally, in *Van Steenburg, supra,* the Court wrote:

> [T]he store manager testified that there was no janitorial staff for the store; instead, all department heads and employees were instructed to clean during their idle time. Additionally, the store manager could not recall if a specific sweeping or mapping schedule was in place at the time of plaintiff's fall, nor was he able to state when the floor in the produce area was last cleaned prior to plaintiff's accident. Such proof falls far short of satisfying defendant's burden on its motion for summary judgment (compare, McClarren v. Price Chopper Supermarkets, 226 A.D.2d 982...[proof establishing that the aisle where the plaintiff fell was inspected 3 to 5 minutes prior to the accident and found to be clean and dry]; Maiorano v. Price Chopper Operating Co., 221 A.D.2d 698, 699...[record demonstrated that the area in which the plaintiff fell had been swept 5 to 10 minutes prior to accident]). Thus,...the sufficiency of plaintiff's proof in opposition need not detain us, as defendant failed to meet its evidentiary burden in the first instance...

Id., 235 AD2d at 1001.

Conspicuously absent from defendant's moving papers is any admissible evidence to the absence of defendants' constructive notice.

It should also be noted that so long as "a defendant has a duty to conduct reasonable inspections of the premises, the issue of actual or constructive notice is irrelevant." (Emphasis supplied) *Weller v. Colleges of the Senecas*, 217 A.D.2d 280, 285, 635 N.Y.S.2d 990, 994 (4th Dept. 1995); *Watson v. City of New York*, 184 A.D.2d 690, 690, 585 N.Y.S.2d 100, 101 (2nd Dept. 1992).

Moreover, where members of the public frequent a location, a landowner owes a "nondelegable duty 'to provide members of the general public with a reasonably safe premises, including a safe means of ingress and egress.' (*Thomassen v. J & K Diner*, 152 AD2d 421, 424, 549 N.Y.S.2d 416; *see, Richardson v. Schwager Assoc.*, 249 A.D.2d 531, 531-532, 672 N.Y.S.2d 114).". *Arabian v Benenson*, 284 AD2d 422, 422 (2nd Dept. 2001); *see, Reynolds v Sead Development Group*, 257 AD2d 940, 940 (3rd Dept. 1999); *June v Bill Zikakis Chevrolet, Inc.*, 199 AD2d 907, 909 (3rd Dept. 1993). Where a property owner has a nondelegable duty to keep the premises safe, the duty may not be delegated to agents, employees or independent contractors. *See, Backiel v Citibank, N.A.*, 299 AD2d 504 (2nd Dept. 2002). The property owner is in the best position to assume the risks associated with conditions existing on its property since it is consistent with the general responsibility of owners to maintain their premises in a reasonably safe condition under all circumstances. *See Basso*, 40 NY2d 233. This obligation owed to the general public encompasses all persons, including workers who come upon the premises. *See, Backeil*, 299 AD2d at 507. In the instant case, the accident occurred on a sidewalk area from which persons, including workers such as plaintiff, accessed the building. As such, defendants

owed a non-delegable duty to people such as plaintiff to properly maintain the subject premises. Given the submissions, questions of fact remain as to whether the defendants fulfilled such an obligation, and such questions must be resolved by a jury, not the Court.

The sufficiency of plaintiff's opposition on the issue of constructive notice is unavailing since the defendants failed to meet their burden of demonstrating the absence thereof. Therefore defendants' motion is denied with respect to the issue of constructive notice, but is granted on the issues of condition created and actual notice.

The foregoing constitutes the decision and order of this Court.

Dated: September 13, 2012 E N T E R
Goshen, New York

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HON. CATHERINE M. BARTLETT,
A.J.S.C.