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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 39

Cecilia Teodorescu,  
Appellant,

v.

Resnick & Binder, P.C.,  
Respondent.

Lawrence B. Lame, for appellant.  
John J. Kelleher, for respondent.

\* \* \* \* \*

Order reversed, with costs, and defendant's motion for summary judgment denied. We hold, contrary to the Appellate Division, that plaintiff raised issues of fact regarding whether she could have prevailed on a theory of constructive notice. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided March 25, 2010