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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 238     SSM 30  
Dominic Bonomonte,  
                  Appellant,  
                  v.  
City of New York,  
                  Respondent.

Submitted by Alan C. Kestenbaum, for appellant.  
Submitted by Ronald E. Sternberg, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed, with costs, and the certified question answered in the affirmative. Even assuming, as plaintiff alleges, that the City of New York owed plaintiff a duty and breached that duty, the City was entitled to summary judgment dismissing the complaint

because it established, as a matter of law, that any negligence on its part was not a proximate cause of plaintiff's injuries (see Sheehan v City of New York, 40 NY2d 496, 503 [2006]).

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided October 13, 2011