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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 61 SSM 56
Erica Y. Darrisaw, as
Administratrix of the Estate of
Dolores N. Schuyler, Deceased,
Appellant,
v.
Strong Memorial Hospital, &c. et
al.,
Respondents.

Submitted by John H. Beaumont, for appellant.
Submitted by Christian C. Casini, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed
with costs. We conclude defendants demonstrated their
entitlement to summary judgment on the negligence cause of
action. In opposition, plaintiff failed to adduce sufficient

evidence to raise a triable issue of fact on the allegations that Nurse Baldwin grabbed decedent's arm or caused her to fall to the ground.

Additionally, we agree with the Appellate Division majority that plaintiff's negligent supervision claim is not before the court because neither the cause of action nor its underlying facts were raised in the complaint.

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

Decided January 11, 2011.