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

No. 116 SSM 5
Ramona Ortiz,
Respondent,
v.
The City of New York,
Appellant,
240 West 98th Street Associates
et al.
Respondents.

Submitted by Deborah A. Brenner, for appellant.
Submitted by Brian J. Isaac, for respondent Ortiz.
Submitted by Lawrence A. Doris, for respondents 240
West 98th Street Associates and Weinreb Management.

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On review of submissions pursuant to section 500.11 of the Rules,
order, insofar as appealed from, reversed, with costs, defendant
City of New York's motion for summary judgment granted, the
complaint and all cross claims against the City of New York
dismissed, and certified question answered in the negative. No
triable issue of fact exists as to whether the City created a
dangerous condition that caused plaintiff's injuries. Chief
Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

Decided March 25, 2010