

**Cutaia v Board of Mgrs. of the 160/170 Varick St.
Condominium**

2018 NY Slip Op 34254(U)

August 8, 2018

Supreme Court, New York County

Docket Number: Index No. 155334/12

Judge: Carol R. Edmead

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

AMENDED ORDER

PRESENT: Hon. Carol R. Edmead
Justice

PART 35

Cutaja

INDEX NO. 155334/12

MOTION DATE 6/8/18

MOTION SEQ. NO. 010

Board of Managers et al.

AMENDED ORDER

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).

Answering Affidavits — Exhibits No(s).

Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is

The court's decision and order dated August 3, 2018 is modified to the extent that the branch of plaintiff's motion seeking partial summary judgment as to liability on his Labor Law § 241 (6) claim is granted as against defendants The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York, Michilli Construction, Inc., and Michilli Inc. is granted, while the branch seeking summary judgment on his Labor Law § 240 (1) claim, and the remainder of the motion is denied.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 8/8/18

HON. CAROL R. EDMEAD, J.S.C.

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER DO NOT POST FIDUCIARY APPOINTMENT REFERENCE