

SCP

At an I.A.S. Trial Term, Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 16 day of October 2013

P R E S E N T :

Hon. D. SCHMIDT

Justice

Anthony Campbell

Plaintiff(s)

Cal. No.

Index No.

12924/2010

- against -

Woodbrooke Estates Condominium Section VI

and Woodbrooke Estates Home Owners Assoc. Inc.
Defendant(s)

The following papers numbered 1 to read on this motion	Papers Numbered
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
_____ Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

after oral argument, defendant Woodbrooke Estates Condominium Section VI's (Woodbrooke) motion for summary judgment to dismiss the complaint, is granted; the labor law § 240(i) claim must be dismissed because there is no nexus between plaintiff and Woodbrooke. See Abbatiello, et al, v. Lancaster Studio Assoc., 3 NY 2d 46 (2004); the Labor Law § 241(6) claim is dismissed because plaintiff was not performing work at a construction site; The labor law § 200 and negligence claims are dismissed as plaintiff does not oppose dismissal of these claims and further with respect to § 200, Plaintiff is not a "covered" person.

For Clerks use only
 MGX
 MD
 Motion Seq. #
 2

ENTER
 J.S.C.

HON. DAVID L. SCHMIDT

That branch of Woodbrooke's motion seeking the imposition of sanctions, is denied.