

163 A.D.2d 355, 559 N.Y.S.2d 654

View New York Official Reports version

Supreme Court, Appellate Division,
Second Department, New York.

HILLTOP VILLAGE COOPERATIVE # 3 INC., Appellant,

v.

Anne GREENBLATT, Respondent.

July 9, 1990

Ross, Suchoff, Taroff, Egert & Hankin, P.C., New York City (Mark L. Hankin, of counsel), for appellant.
Fishman & Fishman, Forest Hills (Abraham Hecht and Warren S. Hecht on the brief), for respondent.

In an action for a judgment declaring that the defendant is not entitled to sublet a certain cooperative apartment and directing that she be directed to offer the shares of stock allocated to that apartment for sale to the plaintiff, the plaintiff appeals from an order of the Supreme Court, Queens County (Joy, J.), dated February 6, 1989, which denied its motion for summary judgment. ORDERED that the order is affirmed, with costs. The proponent of a summary judgment motion must set forth prima facie evidence sufficient to eliminate any material issues of fact from the case. Failure to make such a showing requires denial of the motion, regardless of the sufficiency of the opposing papers (*Winegrad v. New York Univ. Med. Center*, 64 N.Y.2d 851, 853, 487 N.Y.S.2d 316, 476 N.E.2d 642; see also, *Narciso v. Ford Motor Co.*, 137 A.D.2d 508, 524 N.Y.S.2d 251). We agree with the Supreme Court that the plaintiff corporation is not entitled to summary judgment, as its motion papers did not establish prima facie that the defendant improperly sublet her apartment.

THOMPSON, J.P., and RUBIN, ROSENBLATT and MILLER, JJ., concur.
N.Y.A.D. 2 Dept. 1990.

Hilltop Village Co-op # 3 Inc. v. Greenblatt

163 A.D.2d 355, 559 N.Y.S.2d 654

END OF DOCUMENT