

[Rouss v. 2140 Bergen St. L.L.C.](#)

Supreme Court of New York, Kings County
January 14, 2026, Decided; January 15, 2026, Filed
Index No.: 511797/2022

Reporter

2026 N.Y. Misc. LEXIS 4627 *; 2026 LX 273337

REBECCA ROUSS, Plaintiff, v. 2140 BERGEN STREET L.L.C., DLH MINISTRIES, INC., POWERFUL PRAISE TABERNACLE, and MARINER TRI-STATE LIMOUSINE, INC., Defendant.

Core Terms

street, ice, summary judgment, constructive notice, defeat, dangerous condition, sufficient evidence, property owner, issue of fact, cross claim, sidewalk, unaware, visible

Judges: [*1] PRESENT: HON. RUPERT BARRY, J.S.C.

Opinion by: RUPERT BARRY

Opinion

DECISION & ORDER

Recitation, as required by [CPLR 2219 \(a\)](#), of the papers considered in the review of Defendant 2140 Bergen Street L.L.C., and Defendant Mariner Tri-State Limousine Inc. (hereinafter "Bergen Street Defendants") motion for summary judgment on the claims in Plaintiff's complaint and dismissing **all** crossclaims: NYSCEF Doc. Nos.: 131-136; 139; 141; 144; 146; 165-167; 171-179.

Upon due consideration of the papers filed, and after oral arguments, this Court's decision is as follows:

Bergen Street Defendants' motion for summary judgment on the issue of liability is hereby granted.

This action arises out of an alleged slip and fall accident on a sidewalk containing black ice. On February 7, 2022, at approximately 8:40 AM, Plaintiff alleges that she sustained personal injuries after she slipped and fell on the sidewalk abutting 2140 Bergen Street in Brooklyn, New York. The property where Plaintiff fell was managed by Bergen Street Defendants. There was precipitation, and an ongoing at the time Plaintiff slipped and fell. Plaintiff also claims that she was unaware and did not see the ice when fell. Bergen Street Defendants in their motion argue that [*2] Plaintiff has presented no evidence that the black ice was present for a sufficient period of time for Bergen Street Defendants to remedy the condition or that Bergen Street Defendants caused or created the black ice on which Plaintiff claimed to have slipped.

"A property owner will be held liable for a slip-and-fall accident involving snow and ice on its property only when it created the dangerous condition which caused the accident or had actual or constructive notice of its existence" ([Cuillo v Fairfield Prop. Services, L.P., 112 AD3d 777, 778 \[2d Dept 2013\]](#)). Consequently, to defeat Bergen Street Defendants summary judgement motion, Plaintiff must prove that Bergen Street Defendants created the dangerous condition or had actual or constructive notice that the danger existed. Evidence that Bergen Street Defendants

"received any complaints about the ice patch, or that it was visible and apparent and had existed for a sufficient length of time before the accident for the defendants to discover and remedy it" would help to defeat a motion for summary judgement by a defendant ([Christal v Ramapo Cirque Homeowners Assoc, 51 AD3d 846, 847 \[2d Dept 2008\]](#)). The evidence provided by a plaintiff must not be "conclusory and speculative" as it would be "insufficient to raise a triable issue of fact" ([Robinson v Trade Link Am., 39 AD3d 616, 617 \[2d Dept 2007\]](#)). Constructive notice is not satisfied **[*3]** when the ice was not "visible or apparent" to Plaintiff or to the property owner (see generally, [Christal v Ramapo Cirque Homeowners Ass'n, 51 AD3d 846 \[2d Dept 2008\]](#))).

Here, this Court finds that Plaintiff has not provided sufficient evidence to prove that Defendants created the condition that led to the formation of the black ice. Plaintiff has also failed to provide sufficient evidence to establish that Bergen Street Defendants had constructive knowledge of the existence of the slippery conditions. Indeed, Plaintiff herself was unaware of the presence of the ice until she fell. Consequently, this Court finds that there is no issue of fact to defeat Bergen Street Defendants' summary judgement motion. Accordingly, it is

ORDERED that, Bergen Street Defendants' motion for summary judgement is

GRANTED, and the action and all crossclaims are dismissed as against Bergen Street Defendants.

ORDERED that, all applications not specifically addressed herein are denied.

This constitutes the decision and order of this Court.

Dated: January 14, 2026

R. V. GARRV

HON. RUPERT V. BARRY, J.S.C.

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