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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS: PART 32

-----X
DEBRA L. SHILES,

Plaintiff,

-- against --

EVAN RIVERA, et al.,

Defendants
-----X

DECISION and ORDER

Index No. ~~1000/2007~~

1000/07

Mot. Seq. No.: 1

The following papers numbered were read on this motion:

Papers Numbered

Notice of motion.....	1
Affirmations in Opposition.....	2-3
Affirmations in Reply.....	4-5

CHARLES J. MARKEY, J.:

The motion by Defendant Welsbach Electric Corp. of L.I. and Third-party defendants The County of Nassau and Nassau County Department of Public Works for summary judgment dismissing all causes of action and cross-claims alleged against them is granted. Under the specific facts asserted, no theory of liability is legally sustainable regarding the malfunctioning traffic signal that provided the aforementioned moving parties only 59 minutes to repair it before the accident occurred. *Compare Innerman v. City of New York*, 202 AD2d 637 [2d Dept. 1994] with *Laap v. Francis*, 54 AD3d 1006 [2d Dept. 2008].

The dismissed causes of action and cross-claims are hereby severed.

The foregoing constitutes the decision, order, and opinion of the Court.

Hon. Charles J. Markey
Justice, Supreme Court, Queens County

Dated: Long Island City, New York
September 4, 2009

HON. CHARLES J. MARKEY