

SUPREME COURT OF NEW YORK
SECOND DEPARTMENT, APPELLATE DIVISION

Roy GORDON

Appellant

v.

GENERAL ELECTRIC CO., INC.

Respondent

Dec. 16, 1996.

Roy Gordon, Brooklyn, appellant pro se.

London Fischer, New York City (Daniel Zemann, Jr., of counsel), for respondent.

In a products liability action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Kramer, J.), entered August 21, 1995, which granted the defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, with costs.

The law is well settled that where, as here, a defendant meets its initial burden of establishing its entitlement to summary judgment, the burden shifts to the plaintiff to "produce evidentiary proof in admissible form sufficient to require a trial of material questions of fact" (Zuckerman v. City of New York, 49 N.Y.2d 557, 562, 427 N.Y.S.2d 595, 404 N.E.2d 718; Reyes v. Rentar Dev., 207 A.D.2d 336, 615 N.Y.S.2d 425; Smith v. Cafiero, 203 A.D.2d 355, 610 N.Y.S.2d 76). The plaintiff failed to meet that burden.

RITTER, J.P., and PIZZUTO, SANTUCCI and FRIEDMANN, JJ., concur.

651 N.Y.S.2d 890 (Mem), 234 A.D.2d 418

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