

State of New York Court of Appeals

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No. 144 SSM 19
Marie Bradley, &c., et al.,
Appellants,
v.
HWA 1290 III LLC, et al.,
Respondents.

Submitted by Brian J. Isaac, for appellants.
Submitted by Richard J. Sabatini, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs. To the extent that a violation of standards of the American National Standards Institute (ANSI) constitutes evidence of negligence (see Sawyer v Dreis & Krump Mfg. Co., 67 NY2d 328 [1986]; Trimarco v Klein, 56 NY2d 98 [1982]), plaintiffs' reliance on those standards was proper. However, plaintiffs nevertheless failed to raise a triable question of fact as to whether defendants had either actual or constructive notice of the alleged dangerous condition. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Wilson and Feinman concur. Judge Garcia took no part.

Decided October 16, 2018