

Supreme Court of the State of New York  
Appellate Division: Second Judicial Department

D19752  
C/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - May 27, 2008

WILLIAM F. MASTRO, J.P.  
ROBERT A. SPOLZINO  
DAVID S. RITTER  
JOHN M. LEVENTHAL, JJ.

---

2007-05254

DECISION & ORDER

Kenneth Guercio, et al., appellants,  
v Brookhaven Memorial Hospital Medical  
Center, respondent.

(Index No. 11327/04)

---

Levine & Grossman, Mineola, N.Y. (Scott D. Rubin of counsel), for appellants.

Lewis Johs Avallone Aviles, LLP, Melville, N.Y. (Brian J. Greenwood of counsel),  
for respondent.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal from an order of the Supreme Court, Suffolk County (Pines, J.), dated April 27, 2007, which granted the defendant's motion for summary judgment dismissing the complaint.


ORDERED that the order is affirmed, with costs.

The defendant established its prima facie entitlement to summary judgment dismissing the complaint. In opposition, the plaintiffs failed to raise a triable issue of fact.

The plaintiffs' remaining contentions are without merit.

MASTRO, J.P., SPOLZINO, RITTER and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 24, 2008

GUERCIO v BROOKHAVEN MEMORIAL HOSPITAL MEDICAL CENTER