

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

D23979
T/kmg

_____AD3d_____

Argued - April 20, 2009

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL, JJ.

2008-04659

DECISION & ORDER

Kimberly Haeg, respondent, v County of Suffolk,
appellant, et al., defendant.

(Index No. 23238/05)

Christine Malafi, County Attorney, Hauppauge, N.Y. (Ann K. Kandel and Susan A. Flynn of counsel), for appellant.

Sullivan Papain Block McGrath & Cannavo, P.C., New York, N.Y. (Stephen C. Glasser and Susan M. Jaffe of counsel), for respondent.

In an action to recover damages for personal injuries, the defendant County of Suffolk appeals, as limited by its brief, from so much of an order of the Supreme Court, Suffolk County (Farneti, J.), dated April 21, 2008, as denied its motion for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs.

There are issues of fact requiring the denial of summary judgment (*see* CPLR 3212[b]).

FISHER, J.P., COVELLO, ANGIOLILLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 21, 2009

HAEG v COUNTY OF SUFFOLK