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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.

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No. 122 SSM 8  
Luis Carrion,  
Appellant,  
v.  
John Faulkner, &c., et al.,  
Respondents.

Submitted by Arnold E. DiJoseph, III, for appellant.  
Submitted by Lisa L. Gokhulsingh, for respondents.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order reversed, with costs, and defendants' motion for summary  
judgment denied. On this record, material questions of fact  
exist and, therefore, summary judgment for defendants was  
inappropriate. Chief Judge DiFiore and Judges Pigott, Rivera,  
Abdus-Salaam, Stein, Fahey and Garcia concur.

Decided April 28, 2016