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

No. 230 SSM 28
In the Matter of Bruckner Realty
LLC,
 Appellant,
 v.
Jeanette Cruz,
 Respondent.

Submitted by Marc H. Hyman, for appellant.
Submitted by respondent, pro se.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question answered in
the affirmative. Petitioner failed to satisfy its burden on its
motion for summary judgment of making a prima facie showing of
entitlement to judgment as a matter of law. Chief Judge DiFiore
and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia
concur.

Decided December 20, 2016