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

No. 124 SSM 7
Marie Castiglione, et al.,
Respondents,
v.
Robert Kruse, et al.,
Appellants.

Submitted by Andrea E. Ferrucci, for appellants.
Submitted by Justin B. Perri, for respondents.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order reversed, with costs, plaintiffs' motion for summary
judgment on the issue of liability denied, and certified question
answered in the negative. On this record, triable questions of
fact preclude summary judgment in plaintiffs' favor. Chief Judge
DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and
Garcia concur.

Decided May 5, 2016