

State of New York Court of Appeals

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

No. 109 SSM 10
Tara Keating Brooks, et al.,
Appellants,
v.
Robert S. April, M.D., et al.,
Respondents.

Submitted by Gerard K. Ryan, Jr., for appellants.
Submitted by Judy C. Selmecci, for respondents.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and order of Supreme Court, New York County, reinstated. Plaintiffs' submissions rebutted defendants' prima facie showing of entitlement to summary judgment and raised triable issues of fact (see Burns v Goyal, 30 NY3d 956 [2017]). On this record, triable issues of fact preclude summary judgment in favor of defendants. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided June 12, 2018