

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

Jones v. River Park Residences, L.P.

2025 N.Y. Slip Op. 06813 (App. Div. 1st Dep't 2025) · No. Index No. 26441/18; Appeal No. 5322; Case No. 2024-04304 · Decided December 9, 2025

SUMMARY

The Appellate Division, First Department, reversed an order granting defendants summary judgment in a premises-liability action involving a bathtub fall allegedly caused by a dripping faucet. The court held that plaintiff's inability to identify the precise cause of her fall did not require dismissal, and that issues remained regarding the faucet's condition and defendants' notice.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Webber, J.P.; Scarpulla, J.; Rodriguez, J.; Higgitt, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 9, 2025
DOCKET	Index No. 26441/18; Appeal No. 5322; Case No. 2024-04304
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' motion for summary judgment dismissing the complaint.
STANDARD OF REVIEW	On appeal from an order granting summary judgment, the court reviewed whether defendants made a prima facie showing of entitlement to judgment as a matter of law and whether plaintiff raised a triable issue of fact.
PRECEDENTIAL VALUE	published
PARTIES	Kashauna Jones v. River Park Residences, L.P., et al.

TOPICS

premises liability

negligence

summary judgment

standard of review

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's inability to identify the precise cause of her fall warranted summary judgment dismissing her premises-liability complaint.
2. Whether plaintiff's affidavit stating that she observed water in the bathtub after regaining consciousness created a feigned issue of fact by allegedly contradicting her deposition testimony.
3. Whether defendants established prima facie that they lacked actual or constructive notice of the leaking faucet.
4. Whether the alleged condition was open and obvious and therefore defeated plaintiff's premises-liability claim.

HOLDINGS

1. Plaintiff's inability to identify the cause of her fall did not warrant dismissal because, given her testimony that she was unconscious after the fall, a jury could reasonably infer that she slipped in the bathtub because of the dripping faucet.
2. Plaintiff's affidavit stating that she noticed water in the tub after regaining consciousness did not create a feigned issue of fact.
3. Defendants failed to make a prima facie showing that they lacked notice of the leaking faucet, and plaintiff independently raised an issue of fact concerning notice.
4. The open-and-obvious argument was inapposite because plaintiff asserted a claim based on defendants' duty to maintain the premises in a reasonably safe condition, not a failure-to-warn claim.

KEY QUOTATIONS

*“'[E]ven if a hazard qualifies as 'open and obvious' as a matter of law, that characteristic merely eliminates the property owner's duty to warn of the hazard but does not eliminate the broader duty to maintain the premises in a reasonably safe condition'” ([*1])*

FACTUAL BACKGROUND

Plaintiff fell in a bathtub and testified that she was unconscious after the fall and could not recall slipping. She testified that the bathtub faucet had repeatedly leaked, including after building management attempted repairs and again approximately two weeks before the accident. After regaining consciousness, plaintiff observed water in the tub; plaintiff and her fiancé also testified that they had orally complained multiple times about the leaking faucet.

PROCEDURAL HISTORY

Supreme Court, Bronx County, granted defendants' motion for summary judgment and dismissed the complaint in an order entered on or about July 3, 2024. The Appellate Division unanimously reversed on the law and denied the motion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order granting summary judgment was reversed and defendants' motion for summary judgment was denied.

CASES CITED

- Matos v Azure Holding II, L.P., 181 AD3d 406, 406 [1st Dept 2020]
- Muco v Board of Educ. of the City of N.Y., 203 AD3d 610, 611 [1st Dept 2022]
- Villegas v East 191 St. Hous. Dev. Fund Corp., 233 AD3d 636, 637 [1st Dept 2024]
- Westbrook v WR Activities-Cabrera Mkts., 5 AD3d 69, 70 [1st Dept 2004]

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