

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

Carranza v. RXR Church-Div. Tower A. Holdings, LLC

Carranza, 2026 NY Slip Op 01844 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. 2025-06099, 2025-06732 · Decided March 26, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed orders granting plaintiff summary judgment on liability under Labor Law § 240(1) and § 241(6). The court held that plaintiff's testimony established that sheetrock fell from an A-frame cart after it caught on debris, while defendants' hearsay incident report, affidavit, logs, and expert opinion did not raise a triable issue of fact.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Scarpulla, J.; Kapnick, J.; Higgitt, J.; Rosado, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	March 26, 2026
DOCKET	2025-06099, 2025-06732
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff moved for summary judgment on liability under Labor Law §§ 240(1) and 241(6). Supreme Court granted the motion. Defendants moved for leave to reargue, and Supreme Court granted reargument but adhered to its original decision. Defendants appealed both orders.
STANDARD OF REVIEW	Whether the moving party established entitlement to summary judgment as a matter of law and whether the opposing party raised a triable issue of fact.
PRECEDENTIAL VALUE	Published New York appellate opinion
PARTIES	RXR Church-Division Tower A. Holdings, LLC, RXR Realty LLC, RXR Property Management LLC, LRC Construction LLC v. Rosita Elvira Martinez Carranza

TOPICS

construction law summary judgment hearsay evidence appellate procedure

PRACTICE AREAS

construction law civil procedure appellate procedure evidence

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to summary judgment on liability under Labor Law § 240(1) based on the elevation-related accident involving the sheetrock and A-frame cart.
2. Whether defendants' hearsay incident report, non-eyewitness coworker affidavit, daily logs, and expert report raised a triable issue of fact sufficient to defeat summary judgment.
3. Whether plaintiff waived her hearsay objection by submitting the incident report with her summary-judgment motion.
4. Whether Supreme Court properly adhered to its original decision after granting defendants leave to reargue.
5. Whether the court needed to decide plaintiff's Labor Law § 241(6) claim after affirming summary judgment under Labor Law § 240(1).

HOLDINGS

1. Plaintiff established prima facie entitlement to summary judgment on liability under Labor Law § 240(1) because the weight and height of the sheetrock created an elevation differential within the statute's protection, and the inadequate protective device proximately caused the accident.
2. Defendants did not raise a triable issue of fact because the incident report constituted insufficient hearsay and the coworker affidavit was not based on personal observation.
3. The alleged inconsistencies concerning the accident location and the trades working on the floor were immaterial and did not raise a triable issue of fact because, under either version of events, the absence of an adequate protective device proximately caused plaintiff's injuries.
4. The expert report asserting that plaintiff's accident was a physical impossibility was insufficient to defeat summary judgment because the expert did not inspect the allegedly involved cart or mini-dumpster or examine the debris that allegedly caused the cart to flip.
5. Plaintiff did not waive her hearsay objections by submitting the incident report because she challenged, rather than relied upon, the hearsay statements in the report.
6. The arguments concerning plaintiff's Labor Law § 241(6) claim were academic because plaintiff was entitled to summary judgment on liability under Labor Law § 240(1).

FACTUAL BACKGROUND

Plaintiff testified that she was transporting eight pieces of sheetrock on an A-frame cart at the direction of the site foreman when the cart caught on debris and flipped, causing the sheetrock to fall on her. The sheetrock

pieces were approximately one inch thick and weighed about ten pounds each. Defendants relied on a delayed incident report, a coworker's non-eyewitness affidavit, daily logs, and an expert report asserting that the accident was physically impossible. The court found that none of those submissions raised a triable issue of fact.

PROCEDURAL HISTORY

Supreme Court, Bronx County, granted plaintiff's motion for summary judgment on liability under Labor Law § 240(1) and under Labor Law § 241(6) based on Industrial Code § 23-1.7(e)(1) and (2). The court later granted defendants' motion for leave to reargue but adhered to its original decision. The Appellate Division, First Department, unanimously affirmed both orders without costs.

DISPOSITION

affirmed

CASES CITED

- Touray v. HFZ 11 Beach St. LLC, 180 AD3d 507, 507 (1st Dept 2020)
- Marrero v. 2075 Holding Co. LLC, 106 AD3d 408, 409 (1st Dept 2013)
- Mayorquin v. Carriage House Owner's Corp., 202 AD3d 541, 542 (1st Dept 2022)
- Santos v. Monadnock Constr. Inc., 209 AD3d 598, 599 (1st Dept 2022)
- Khaimov v. City of New York, 199 AD3d 455, 456 (1st Dept 2021)
- Fanning v. Rockefeller Univ., 106 AD3d 484, 485 (1st Dept 2013)