

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

Lenicio Robles v. 53-63 Walton LLC, et al.

Robles, 2026 NY Slip Op 01473 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Index No. 24281/17; Appeal No. 6096; Case No. 2025-03016 · Decided March 17, 2026

SUMMARY

The Appellate Division, First Department modified an order concerning a construction-worker plaintiff's Labor Law claims. The court granted plaintiff summary judgment on liability under Labor Law § 240(1), finding that the un rebutted evidence showed he fell from a loose, unsecured ladder without adequate safety devices, and otherwise affirmed the order; arguments concerning Labor Law § 241(6) were deemed academic.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kapnick, J.; Shulman, J.; Chan, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 17, 2026
DOCKET	Index No. 24281/17; Appeal No. 6096; Case No. 2025-03016
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from an order of Supreme Court, Bronx County, denying plaintiff's motion for summary judgment on liability under Labor Law § 240(1) and denying defendants' cross-motion for summary judgment dismissing plaintiff's Labor Law §§ 240(1) and 241(6) claims.
STANDARD OF REVIEW	Summary judgment is appropriate where the movant establishes entitlement to judgment as a matter of law through admissible evidence and the opposing party fails to raise a triable issue; liability under Labor Law § 240(1) is assessed under the statute's protections against elevation-related risks, without reduction for comparative fault.
PRECEDENTIAL VALUE	Published opinion; precedential under New York law
PARTIES	Lenicio Robles v. 53-63 Walton LLC, et al.

TOPICS

construction law

appellate procedure

standard of review

damages

PRACTICE AREAS

construction law

personal injury

appellate procedure

QUESTIONS PRESENTED

1. Whether plaintiff established entitlement to summary judgment on liability under Labor Law § 240(1) based on the unsecured and shifting ladder.
2. Whether plaintiff's placement of a foot on a railing made him the sole proximate cause of his injury.
3. Whether the parties' arguments concerning plaintiff's Labor Law § 241(6) claim remained justiciable after the court granted plaintiff summary judgment under Labor Law § 240(1).

HOLDINGS

1. Plaintiff established prima facie entitlement to summary judgment on liability under Labor Law § 240(1) through un rebutted testimony that the only available ladder was loose, lacked rubber feet, and shifted while he used it, together with the absence of evidence that the ladder was secured or that adequate safety devices were provided.
2. Plaintiff was not the sole proximate cause of his injury merely because he placed a foot on a railing while working, where he gave a specific reason for using the ladder and railing in that manner and the available work area required that configuration.
3. Plaintiff was entitled to summary judgment on Labor Law § 240(1) liability regardless of comparative fault.
4. The parties' arguments concerning plaintiff's Labor Law § 241(6) cause of action were academic in light of the court's determination on the Labor Law § 240(1) claim.

KEY QUOTATIONS

*“Even assuming that plaintiff's placement of his foot on a railing while he worked contributed to his fall, this assumption would not lead to a conclusion that he was the sole proximate cause of his injury, as he provided a specific reason why he had to use the ladder and railing in this manner” (*1)*

*“Plaintiff was therefore entitled to summary judgment on the issue of liability, regardless of comparative fault” (*1)*

FACTUAL BACKGROUND

Plaintiff was given access to a single ladder that he described as loose and lacking rubber feet. Although all four feet were on the floor, the ladder shifted while plaintiff was using it. Plaintiff placed a foot on a railing while working because the area being sanded was not conducive to using an extender, the ladder could be positioned only in the manner that permitted him to perform the assigned work, and he could not place it on top of the

stairs. The record did not indicate that the ladder was secured or that other adequate safety devices were provided.

PROCEDURAL HISTORY

Supreme Court, Bronx County, entered an order on March 19, 2025, denying plaintiff's motion for summary judgment on liability under Labor Law § 240(1) and denying defendants' cross-motion to dismiss the Labor Law §§ 240(1) and 241(6) claims. The Appellate Division unanimously modified the order to grant plaintiff summary judgment as to liability under Labor Law § 240(1), and otherwise affirmed.

DISPOSITION

other

CASES CITED

- Bonanno v. Port Auth. of N.Y. & N.J., 298 AD2d 269 (1st Dept 2002)
- Noor v. City of New York, 130 AD3d 536 (1st Dept 2015)
- Blake v. Neighborhood Hous. Servs. of N.Y. City, 1 NY3d 280 (2003)
- Lucas v. City of New York, 236 AD3d 523 (1st Dept 2003)
- Malan v. FSJ Realty Group II LLC, 213 AD3d 541 (1st Dept 2023)

OPINION

PER CURIAM.

Robles v 53-63 Walton LLC (2026 NY Slip Op 01473) Robles v 53-63 Walton LLC 2026 NY Slip Op 01473 Decided on March 17, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: March 17, 2026 Before: Manzanet-Daniels, J.P., Kapnick, Shulman, Chan, Hagler, JJ. Index No. 24281/17|Appeal No. 6096|Case No. 2025-03016| [*1]Lenicio Robles, Plaintiff-Appellant-Respondent, v 53-63 Walton LLC, et al., Defendant-Respondent, [And A Third-Party Action] Ginarte Gonzalez & Winograd LLP, New York (Anthony DeStefano of counsel), for appellant-respondent.

O'Toole Scrivo, LLC, New York (David M. Chaise of counsel), for respondents-appellants. Order, Supreme Court, Bronx County (Myrna Socorro, J.), entered March 19, 2025, which, to the extent appealed from as limited by the briefs, denied plaintiff's motion for summary judgment on liability on his Labor Law § 240(1) claim and denied defendants' cross-motion for summary judgment dismissing plaintiff's Labor Law §§ 240(1) and 241(6) claims, unanimously modified, on the law, to grant plaintiff's motion for summary judgment as to liability on his Labor Law § 240(1) claim, and otherwise affirmed, without costs.

Plaintiff established prima facie entitlement to summary judgment on his Labor Law § 240(1) claim through his unrebutted testimony that he was given access only to one ladder, which he described as "loose" and lacking rubber feet; that all four feet of the ladder were on the floor; and that the ladder shifted while he used it (see *Bonanno v Port Auth. of N.Y. & N.J.*, 298 AD2d 269, 270 [1st Dept 2002]).

Even assuming that plaintiff's placement of his foot on a railing while he worked contributed to his fall, this assumption would not lead to a conclusion that he was the sole proximate cause of his injury, as he provided a specific reason why he had to use the ladder and railing in this manner: the area where he was sanding was not conducive to an extender, the ladder was placed in the only way that allowed him to do the work he was assigned, and that he could not have placed the ladder on top of the stairs to do the work (see *Noor v City of New York*, 130 AD3d 536, 540-541 [1st Dept 2015]).

Furthermore, given plaintiff's testimony about how the fall occurred, there is no indication that the ladder was secured or that other adequate safety devices were provided (see *Bonanno*, 298 AD2d at 269-270). Plaintiff was therefore entitled to summary judgment on the issue of liability, regardless of comparative fault (see *Blake v Neighborhood Hous. Servs. of N.Y.*

City, 1 NY3d 280, 290 [2003]; *Lucas v City of New York*, 236 AD3d 523, 524-525 [1st Dept 2003]). In light of our determination on plaintiff's Labor Law § 240(1) claim, the parties' arguments concerning plaintiff's Labor Law § 241(6) cause of action are academic (see *Malan v FSJ Realty Group II LLC*, 213 AD3d 541, 542 [1st Dept 2023]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 17, 2026