

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

Velez v. Central Parking Sys. of N.Y., Inc.

Velez, 2026 NY Slip Op 03252 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Index No. 26258/18; Appeal No. 6689; Case No. 2025-04278 · Decided May 21, 2026

SUMMARY

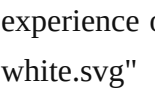
The Appellate Division, First Department, unanimously affirmed an order denying defendants’ motion for summary judgment in a personal injury action arising from plaintiff’s slip and fall on liquid in an indoor parking garage. The court held that evidence concerning recurring water, prior complaints, inspection notes, and photographs raised an issue of fact as to whether defendants had constructive notice of the condition and failed to remediate it.

OPINION

PER CURIAM.

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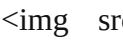
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2026 NY Slip Op 03252

May 21, 2026

Appellate Division, First Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

Candido Velez, Plaintiff-Respondent,

v

Central Parking System of New York, Inc. et al, Defendants-Appellants.

Decided and Entered: May 21, 2026

Index No. 26258/18|Appeal No. 6689|Case No. 2025-04278

Before: Kennedy, J.P., Scarpulla, Mendez, Rodriguez, Rosado, JJ.

Barry McTiernan & Moore LLC, New York (Courtney Chadwell of counsel), for appellants.

The Breakstone Law Firm, P.C., Bellmore (Jay L.T.

Breakstone of counsel), for respondent.

Order, Supreme Court, Bronx County (Bianka Perez, J.), entered June 30, 2025, which denied defendants' motion

for summary judgment dismissing the complaint, unanimously affirmed, without costs.

Plaintiff Candido Velez commenced this personal injury action alleging that he slipped and fell on liquid inside an indoor parking garage owned and operated by defendants Central Parking System of New York, Inc., Flushing Plaza Residential, LLC, and Flushing Plaza Commercial, LLC. Defendants initially established prima facie entitlement to summary judgment based on lack of actual or constructive notice by submitting evidence of their inspection routines and that the last time the area was inspected before the accident was approximately 30 minutes before plaintiff fell.

In opposition, plaintiff submitted additional evidence, including an affidavit addressing the frequency of the pooling water at the accident site and his prior complaint, prior inspection notes of water on the nearby stairs, and photos of the area appearing to show water leaking in the manner plaintiff described. This evidence raises an issue of fact as to whether there was a recurring water condition at the accident site of which defendants had constructive notice but failed to remediate (*see De Barcacer v 1015 Concourse Owners Corp.*, 204 AD3d 605, 607 [1st Dept 2022]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 21, 2026

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PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports. Candido Velez, Plaintiff-Respondent, v Central Parking System of New York, Inc. et al, Defendants-Appellants. Decided and Entered: May 21, 2026 Index No. 26258/18|Appeal No. 6689|Case No. 2025-04278| Before: Kennedy, J.P., Scarpulla, Mendez, Rodriguez, Rosado, JJ. Barry McTiernan & Moore LLC, New York (Courtney Chadwell of counsel), for appellants.

The Breakstone Law Firm, P.C., Bellmore (Jay L.T. Breakstone of counsel), for respondent. [*1] Order, Supreme Court, Bronx County (Bianka Perez, J.), entered June 30, 2025, which denied defendants' motion for summary judgment dismissing the complaint, unanimously affirmed, without costs. Plaintiff Candido Velez commenced this personal injury action alleging that he slipped and fell on liquid inside an indoor parking garage owned and operated by defendants Central Parking System of New York, Inc., Flushing Plaza Residential, LLC, and Flushing Plaza Commercial, LLC. Defendants initially established prima facie entitlement to summary judgment based on lack of actual or constructive notice by submitting evidence of their inspection routines and that the last time the area was inspected before the accident was approximately 30 minutes before plaintiff fell.

In opposition, plaintiff submitted additional evidence, including an affidavit addressing the frequency of the pooling water at the accident site and his prior complaint, prior inspection notes of water on the nearby stairs, and photos of the area appearing to show water leaking in the manner plaintiff described. This evidence raises an issue of fact as to whether there was a recurring water condition at the accident site of which defendants had constructive notice but failed to remediate (see *De Barcadel v 1015 Concourse Owners Corp.*, 204 AD3d 605, 607 [1st Dept 2022]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 21, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.