

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.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Scarpulla, J.; Mendez, J.; Rodriguez, J.; Rosado, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	May 21, 2026
DOCKET	Index No. 26258/18; Appeal No. 6689; Case No. 2025-04278
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying defendants' motion for summary judgment dismissing a personal injury complaint.
STANDARD OF REVIEW	Summary judgment standard; the motion was properly denied where the opposing evidence raised a triable issue of fact.
PRECEDENTIAL VALUE	Published appellate decision; the opinion states that it was published pursuant to Judiciary Law § 431, although it is uncorrected and subject to revision before publication in the Official Reports.
PARTIES	Central Parking System of New York, Inc., Flushing Plaza Residential, LLC, Flushing Plaza Commercial, LLC v. Candido Velez

TOPICS

- premises liability
- negligence
- summary judgment
- standard of care
- appellate procedure

PRACTICE AREAS

premises liability personal injury negligence civil procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on the ground that they lacked actual or constructive notice of the liquid condition.
2. Whether plaintiff's evidence raised a triable issue of fact as to a recurring water condition that defendants had constructive notice of and failed to remediate.

HOLDINGS

1. Defendants were not entitled to summary judgment because plaintiff's opposing evidence raised an issue of fact regarding whether a recurring water condition existed at the accident site and whether defendants had constructive notice of it but failed to remediate it.

KEY QUOTATIONS

*“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” ([*1])*

FACTUAL BACKGROUND

Candido Velez alleged that he slipped and fell on liquid inside an indoor parking garage owned and operated by defendants. Defendants submitted evidence of their inspection routines and that the area had last been inspected approximately 30 minutes before the accident. Plaintiff countered with evidence of recurring pooling water, a prior complaint, inspection notes documenting water on nearby stairs, and photographs showing water leaking in the described manner.

PROCEDURAL HISTORY

Plaintiff brought a premises-liability personal injury action after slipping and falling on liquid in defendants' indoor parking garage. Supreme Court, Bronx County, denied defendants' motion for summary judgment. The Appellate Division, First Department, unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- De Barcadel v. 1015 Concourse Owners Corp., 204 A.D.3d 605, 607 (1st Dep't 2022)