

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Edwards v. Genting N.Y., LLC

Edwards, 2026 NY Slip Op 03945 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2024-08851 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment dismissing the plaintiff's personal-injury action after a jury found that, although an unsafe snow-and-ice condition existed, the defendant was not negligent. The court held that the verdict was supported by a fair interpretation of the evidence, was internally consistent, and was not shown to result from substantial juror confusion. The court also held that several challenges, including to the legal sufficiency of the evidence, jury charge, and verdict sheet, were unpreserved.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Helen Voutsinas, J.; Lourdes M. Ventura, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 24, 2026
DOCKET	2024-08851
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment entered after a jury verdict for the defendant on liability and denial of plaintiff's CPLR 4404(a) motion to set aside the verdict as contrary to the weight of the evidence and for a new trial.
STANDARD OF REVIEW	A defendant's jury verdict is not set aside as contrary to the weight of the evidence unless the evidence preponderates so heavily in the plaintiff's favor that the verdict could not have been reached on any fair interpretation of the evidence. A jury verdict is internally inconsistent only when its findings cannot be reconciled, and alleged juror confusion must be apparent from the trial record. Legal-

	sufficiency challenges and unpreserved challenges to jury instructions or the verdict sheet are not reviewable on appeal.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Lebert Edwards v. Genting New York, LLC

TOPICS

premises liability negligence standard of review preservation of error appellate procedure

PRACTICE AREAS

premises liability personal injury negligence appellate procedure

QUESTIONS PRESENTED

1. Whether the jury's finding that the defendant was not negligent was contrary to the weight of the evidence.
2. Whether the defendant had actual or constructive notice of the snow-and-ice condition based on general awareness that icy conditions might have been present.
3. Whether the jury verdict was internally inconsistent or clearly the product of substantial confusion.
4. Whether the plaintiff preserved challenges to the legal sufficiency of the evidence, the jury charge, and the verdict sheet.

HOLDINGS

1. The verdict for the defendant was supported by a fair interpretation of the evidence and was not contrary to the weight of the evidence.
2. A landowner is liable in tort for a snow-and-ice slip-and-fall only upon proof that the landowner created the condition or had actual or constructive notice of its existence.
3. The verdict was internally consistent and was not shown to be the product of substantial confusion among the jurors.
4. The plaintiff's legal-sufficiency challenge and challenges to the jury charge and verdict sheet were unpreserved for appellate review, while the challenges asserting internal inconsistency and juror confusion were preserved.

KEY QUOTATIONS

*"A defendant has constructive notice of a dangerous condition when the condition is visible and apparent, and has existed for a sufficient length of time to afford the defendant a reasonable opportunity to discover and remedy it" ([*1])*

"A jury verdict in favor of a defendant should not be set aside as contrary to the weight of the evidence unless the evidence preponderates so heavily in the plaintiff's favor that the verdict could not have been reached on

*any fair interpretation of the evidence” ([*2])*

*“When a verdict can be reconciled with a reasonable view of the evidence, the successful party is entitled to the presumption that the jury adopted that view” ([*2])*

*“When a jury's verdict is internally inconsistent, the trial court must direct either reconsideration by the jury or a new trial” ([*2])*

FACTUAL BACKGROUND

On February 23, 2015, Lebert Edwards allegedly slipped and fell on snow and black ice in a parking lot owned by Genting New York, LLC. Edwards testified that the sheet of snow and ice was four to six feet wide, but acknowledged that it was not clearly visible in photographs and that he did not see it before falling. The jury found that an unsafe condition existed but that Genting was not negligent.

PROCEDURAL HISTORY

Edwards sued Genting New York, LLC for personal injuries allegedly sustained in a snow-and-ice slip-and-fall in the defendant's parking lot. After a liability trial, the jury found that an unsafe condition existed but that Genting was not negligent. The Supreme Court, Kings County, denied Edwards's motion to set aside the verdict and entered judgment dismissing the complaint. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Venza v. Catholic Charities of the Diocese of Rockville Ctr., 235 AD3d 804, 806
- Bristol v. Biser, 230 AD3d 1098, 1099
- Fortune v. Western Beef, Inc., 178 AD3d 671, 672
- Smilovich v. City of New York, 241 AD3d 585, 586
- Volino v. Long Is. R.R. Co., 83 AD3d 693, 694
- Fowler v. Jamaica Bus, 62 AD3d 943, 943
- Thompson v. Northwell Health, Inc., 234 AD3d 1006, 1007
- Lawrence v. New York Methodist Hosp., 232 AD3d 693, 695
- Heller v. City of New York, 218 AD3d 552, 553
- Baillargeon v. Kings County Waterproofing Corp., 180 AD3d 635, 636
- Piacquadio v. Recine Realty Corp., 84 NY2d 967, 968
- Gomez v. NA Broadway Realty, LLC, 242 AD3d 1064
- Barrett v. New York City Tr. Auth., 176 AD3d 909, 911-912
- Jing Xue Jiang v. Dollar Rent a Car, Inc., 91 AD3d 603, 604
- Kelly v. Greitzer, 83 AD3d 901, 902-903

- *Torres v. City of New York*, 179 AD3d 732, 733-734
- *Cleveland v. Djeu*, 152 AD3d 483, 485
- *Guaman v. One Whitehall, L.P.*, 210 AD3d 1060, 1061
- *Li v. Moon*, 177 AD3d 655, 656
- *Sattar v. City of New York*, 201 AD3d 756, 758-759
- *Sabarese v. Board of Educ. of the Tuxedo Union Free Sch. Dist.*, 151 AD3d 776, 778

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