

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Boris Caicedo v. Home Depot U.S.A., Inc.

Caicedo · No. 21-CV-2219 (OEM) (CLP) · Decided January 5, 2026

SUMMARY

The United States District Court for the Eastern District of New York granted Home Depot U.S.A., Inc.’s motion for summary judgment in Boris Caicedo’s personal injury action arising from a slip-and-fall incident. Applying New York substantive law and the federal Rule 56 summary judgment standard, the court held that Caicedo failed to raise a triable issue as to whether Home Depot created the alleged dangerous condition or had actual or constructive notice of it.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Orelia E. Merchant
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 5, 2026
DOCKET	21-CV-2219 (OEM) (CLP)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a diversity personal-injury premises-liability action. Plaintiff opposed the motion and cross-moved for discovery sanctions based on alleged spoliation of forklift maintenance records.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56, summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views evidence and reasonable inferences in the nonmovant's favor, does not weigh evidence or assess credibility, and considers only admissible evidence. In diversity cases, federal procedural law governs the summary-judgment burden while New York substantive negligence law governs the premises-liability claim.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive value only

PARTIES

Boris Caicedo v. Home Depot U.S.A., Inc.

TOPICS

premises liability

negligence

summary judgment

sanctions

civil procedure

PRACTICE AREAS

premises liability

negligence

civil procedure

discovery sanctions

QUESTIONS PRESENTED

1. Whether Plaintiff raised a genuine issue of material fact that Home Depot affirmatively created the alleged dangerous condition.
2. Whether Plaintiff raised a genuine issue of material fact that Home Depot had actual notice of the alleged dangerous condition.
3. Whether Plaintiff raised a genuine issue of material fact that Home Depot had constructive notice through the condition's visibility, duration, recurrence, or an inadequate inspection procedure.
4. Whether Plaintiff was entitled to discovery sanctions or preclusion based on alleged spoliation or delayed production of forklift maintenance records.

HOLDINGS

1. Plaintiff failed to raise a triable issue that Home Depot affirmatively created the alleged puddle or greasy condition because the record contained no evidence of a deliberate and intentional affirmative act by Home Depot.
2. Plaintiff failed to raise a triable issue that Home Depot had actual notice because he submitted no evidence that an employee received a complaint or was otherwise alerted to the alleged puddle before the accident.
3. Plaintiff failed to raise a triable issue of constructive notice because he offered no evidence that the condition was visible and apparent, existed long enough to be discovered, was recurring, or would have been discovered through a reasonable inspection.
4. Plaintiff was not entitled to discovery sanctions or preclusion. The court found no spoliation, and even assuming a discovery violation, preclusion was unwarranted because the remaining factors favored allowing the evidence.

KEY QUOTATIONS

“The Court thus declines to apply the New York summary judgment standard.”

“In other words, evidence of duration is still required.”

“Preclusion of evidence is a ‘harsh remedy that should only be imposed in rare situations.’”

FACTUAL BACKGROUND

Caicedo alleged that he slipped and fell on April 4, 2021, in the lumber aisle of a Home Depot in Brooklyn, New York. After the fall, he smelled grease, observed a roughly three-foot puddle, and found grease on his clothing and hands, but neither he nor any employee had seen the condition before the accident. A forklift had moved a crate of fencing into the aisle approximately five minutes before the accident, but no witness saw a leak, no prior complaint was reported, and Home Depot's inspection and maintenance records did not identify a relevant spill or forklift leak.

PROCEDURAL HISTORY

Plaintiff commenced the action on April 22, 2021, alleging that he slipped and fell on a greasy or wet condition in Defendant's Brooklyn store. Defendant answered and asserted affirmative defenses. After discovery, Defendant moved for summary judgment, and Plaintiff opposed and sought sanctions. The court granted Defendant's motion and declined to impose discovery sanctions.

DISPOSITION

other

CASES CITED

- Gallo v. Prudential Residential Servs., Ltd., 22 F.3d 1219, 1223-24 (2d Cir. 1994)
- Gasperini v. Ctr. for Humans., Inc., 518 U.S. 415, 427 (1996)
- Kirbaran v. Target Corp., 720 F. Supp. 3d 267 (S.D.N.Y. 2024), aff'd, 2025 WL 973050 (2d Cir. Apr. 1, 2025)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 (1986)
- Amnesty Am. v. Town of West Hartford, 361 F.3d 113, 122 (2d Cir. 2004)
- Weyant v. Okst, 101 F.3d 845, 854 (2d Cir. 1996)
- Raskin v. Wyatt Co., 125 F.3d 55, 66 (2d Cir. 1997)
- Borley v. United States, 22 F.4th 75, 78-81 (2d Cir. 2021)
- Akins v. Glen Falls City Sch. Dist., 424 N.E.2d 531, 535 (N.Y. 1981)
- Walsh v. Super Value, Inc., 904 N.Y.S.2d 121, 125 (2d Dep't 2010)
- Basso v. Miller, 352 N.E.2d 868, 872 (N.Y. 1976)
- Cook v. Rezende, 300 N.E.2d 428, 429 (N.Y. 1973)
- Nussbaum v. Metro-N. Commuter R.R., 603 F. App'x 10, 12 (2d Cir. 2015)
- Taylor v. United States, 121 F.3d 86, 90 (2d Cir. 1997)
- Gordon v. Am. Museum of Nat. Hist., 492 N.E.2d 774, 775 (N.Y. 1986)
- Piacquadio v. Recine Realty Corp., 646 N.E.2d 795, 796 (N.Y. 1995)
- Kershner v. Pathmark Stores, Inc., 720 N.Y.S.2d 552, 584 (2d Dep't 2001)
- Robinson v. Wal-Mart Stores, Inc., 2000 WL 1811070, at *2 (2d Cir. Dec. 11, 2000)
- Tenay v. Culinary Tchrs. Ass'n, 281 F. App'x 11, 14 (2d Cir. 2008)
- Urrutia v. Target Corp., 681 F. App'x 102, 104 (2d Cir. 2017)

- Riley v. Battery Place Car Park, 210 F. App'x 76, 77 (2d Cir. 2006)
- Ellison v. Stop & Shop Supermkt. Co., 2022 WL 4238266, at *7 (E.D.N.Y. Sept. 14, 2022)
- Young v. Morrison Mgmt. Specialists, Inc., 2017 WL 435783, at *4 (E.D.N.Y. Feb. 1, 2017)
- Bogery v. United States, 2018 WL 4265901, at *8 n.9 (S.D.N.Y. Sept. 6, 2018)
- Boccio v. Costco Wholesale Corp., 2023 WL 2477683, at *5 (E.D.N.Y. Mar. 13, 2023)
- Lacey v. Target Corp., 2015 WL 2254968, at *5-6 (E.D.N.Y. May 13, 2015)
- Torres v. United States, 2010 WL 5422547, at *3 (S.D.N.Y. Dec. 23, 2010)
- Cruz v. Target Corp., 2016 WL 3102018, at *2 (E.D.N.Y. June 2, 2016)
- Tuthill v. United States, 270 F. Supp. 2d 395, 400-01 (S.D.N.Y. 2003)
- Patterson v. Balsamico, 440 F.3d 104, 117 (2d Cir. 2006)
- Softel, Inc. v. Dragon Med. & Sci. Commc'ns, Inc., 118 F.3d 955, 961 (2d Cir. 1997)
- Clones Inv., LLC v. People's Ins. Co. of China & Cas. Co., 2019 WL 10817175, at *1, *3 (S.D.N.Y. Jan. 31, 2019), aff'd, 792 F. App'x 126 (2d Cir. 2020)
- Pal v. N.Y. Univ., 2008 WL 2627614, at *3 (S.D.N.Y. June 30, 2008)
- Design Strategy, Inc. v. Davis, 469 F.3d 284, 297 (2d Cir. 2006)
- Chamberlain ex rel. Estate of Chamberlain v. City of White Plains, 960 F.3d 100, 117-18 (2d Cir. 2020)