

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Bennett v. Home Depot USA, Inc.

No. 23-CV-08622 (NRM) (AYS) (E.D.N.Y. Jan. 8, 2026) · No. 23-CV-08622 (NRM) (AYS) · Decided January 8, 2026

SUMMARY

The court granted Home Depot USA, Inc.’s motion for summary judgment in a premises-liability action arising from Charlene Bennett’s slip and fall on detergent at a Home Depot store in Levittown, New York. Applying the federal summary-judgment standard and New York substantive law, the court held that Bennett failed to present evidence that Home Depot created the 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	Nina R. Morrison
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 8, 2026
DOCKET	23-CV-08622 (NRM) (AYS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a premises-liability personal-injury action in New York state court. Defendant removed the action to federal court based on diversity jurisdiction and moved for summary judgment after discovery. The court granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. In federal court, when the nonmoving party bears the ultimate burden of proof, the movant may satisfy Rule 56 by pointing to an absence of evidence supporting an essential element of the claim; the nonmovant must then identify evidence creating a genuine dispute.
PRECEDENTIAL VALUE	Unpublished federal district-court memorandum; persuasive authority only.
PARTIES	Charlene Bennett v. Home Depot USA, Inc.

TOPICS

premises liability

negligence

summary judgment

civil procedure

duty of care

PRACTICE AREAS

premises liability

negligence

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summary judgment

QUESTIONS PRESENTED

1. Whether federal or New York summary-judgment burden standards governed the motion.
2. Whether Bennett presented evidence creating a genuine dispute that Home Depot created the detergent spill.
3. Whether Bennett presented evidence creating a genuine dispute that Home Depot had actual notice of the spill.
4. Whether Bennett presented evidence creating a genuine dispute that Home Depot had constructive notice of the spill or failed to conduct a reasonable inspection.

HOLDINGS

1. Federal Rule of Civil Procedure 56 governs the burden of proof on a federal summary-judgment motion in federal court, even when New York law would impose a different evidentiary burden on the defendant.
2. Home Depot was entitled to summary judgment because Bennett offered no evidence from which a reasonable jury could find that Home Depot affirmatively created the detergent spill.
3. Home Depot was entitled to summary judgment because Bennett presented no evidence that Home Depot employees were actually aware of the detergent spill before her fall.
4. Home Depot was entitled to summary judgment because Bennett presented no evidence that the detergent spill was visible and apparent and existed for a sufficient length of time to permit discovery and correction, nor evidence that a reasonable inspection would have revealed it.

KEY QUOTATIONS

“Here, “Rule 56 ‘answers the question in dispute’—the defendant’s burden of proof when moving for summary judgment—so Rule 56 applies unless it violates the Rules Enabling Act or the Constitution.””
(Discussion, Standard of Review)

“Ultimately, “[b]ecause [Plaintiff] did not notice the puddle and because [Plaintiff] ha[s] provided no evidence regarding for how long the detergent had been on the floor, ‘it would be speculative to infer that [the detergent] had been on the floor for an appreciable length of time.’”” (Discussion, Merits, Part II.C)

FACTUAL BACKGROUND

On February 16, 2023, Charlene Bennett slipped in a Home Depot cleaning-products aisle in Levittown, New York, on a pool of detergent approximately one foot in diameter. She observed a detergent container lying on its

side on a shelf and testified that the liquid came from that container, although she did not know how long the condition had existed or whether the container was uncapped. Home Depot employees testified that they regularly walked the store for hazards, and there was no evidence of prior complaints, incidents, or employee awareness of the spill before Bennett fell.

PROCEDURAL HISTORY

Bennett filed suit in the Supreme Court of New York, Nassau County, on October 17, 2023. The parties mediated on October 31, 2023, and Home Depot removed the case on November 20, 2023, under diversity jurisdiction. After discovery, Home Depot moved for summary judgment on July 8, 2025; the court granted the motion, concluding that Bennett lacked evidence that Home Depot created the detergent spill or had actual or constructive notice of it.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Brady v. Town of Colchester, 863 F.2d 205, 210–11 (2d Cir. 1988)
- Cruz v. Target Corp., No. 13-CV-4662 (NRB), 2014 WL 7177908, at *3 (S.D.N.Y. Dec. 17, 2014)
- Erie R. Co. v. Tompkins, 304 U.S. 64 (1938)
- Picciano v. McLoughlin, 723 F. Supp. 2d 491, 504 (N.D.N.Y. 2010)
- Com/Tech Commc'n Techs., Inc. v. Wireless Data Sys., Inc., 163 F.3d 149, 150–51 (2d Cir. 1998)
- Gasperini v. Ctr. for Humans., Inc., 518 U.S. 415, 427 (1996)
- Hanna v. Plumer, 380 U.S. 460, 469–74 (1965)
- Kirbaran v. Target Corp., No. 24-715, 2025 WL 973050 (2d Cir. Apr. 1, 2025)
- Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 398 (2010)
- Gen. Acc. Fire & Life Assur. Corp. v. Akzona Inc., 622 F.2d 90, 93 n.5 (4th Cir. 1980)
- Biegas v. Quickway Carriers, Inc., 573 F.3d 365, 374 (6th Cir. 2009)
- NRM Corp. v. Hercules, Inc., 758 F.2d 676, 683 n.20 (D.C. Cir. 1985)
- Janetos v. Home Depot U.S.A., Inc., No. 09-CV-1025 (AKT), 2012 WL 4049839, at *9 (E.D.N.Y. Sept. 13, 2012)
- Gonzalez v. Wal-Mart Stores, Inc., 299 F. Supp. 2d 188, 192 (S.D.N.Y. 2004)
- Fink v. Bd. of Educ., 498 N.Y.S.2d 440, 441 (N.Y. App. Div. 1986)
- Cooper v. Pathmark Stores, Inc., 998 F. Supp. 218, 220 (E.D.N.Y. 1998)
- Lyman v. PetSmart, Inc., No. 16-CV-4627 (JCM), 2018 WL 4538908, at *6 (S.D.N.Y. Sept. 21, 2018)
- Almodovar v. Wal-Mart Stores E., LP, No. 23-CV-9353 (AEK), 2025 WL 2773182, at *4 (S.D.N.Y. Sept. 26, 2025)

- *Castellanos v. Target Dep't Stores, Inc.*, No. 12-CV-2775 (GWG), 2013 WL 4017166, at *4–7 (S.D.N.Y. Aug. 7, 2013)
- *Sanchez v. Pathmark Stores, Inc.*, No. 04-CV-1159 (GBD) (RLE), 2010 WL 1191633, at *2 (S.D.N.Y. Mar. 8, 2010)
- *Alger v. Von Maur, Inc.*, No. 19-CV-6698, 2021 WL 1966773, at *3 (W.D.N.Y. May 17, 2021)
- *Gordon v. Am. Museum of Nat. Hist.*, 67 N.Y.2d 836, 837 (N.Y. 1986)
- *Shimunov v. Home Depot U.S.A., Inc.*, No. 11-CV-5136 (KAM), 2014 WL 1311561, at *5–6 (E.D.N.Y. Mar. 28, 2014)
- *Crawford v. Walmart Inc.*, No. 23-CV-03960 (OEM), 2025 WL 2467043, at *4–7 (E.D.N.Y. Aug. 27, 2025)
- *Casiano v. Target Stores*, No. 06-CV-6286 (NG), 2009 WL 3246836, at *4 (E.D.N.Y. Sept. 24, 2009)
- *Kraemer v. K-Mart Corp.*, 641 N.Y.S.2d 130, 131 (N.Y. App. Div. 1996)
- *Decker v. Middletown Walmart Supercenter Store*, No. 15-CV-2886 (JCM), 2017 WL 568761, at *9 (S.D.N.Y. Feb. 10, 2017)
- *Maitland v. Target Corp.*, No. 20-CV-3892 (MKB), 2023 WL 6282918, at *7 (E.D.N.Y. Sept. 26, 2023), *aff'd*, No. 23-7520, 2024 WL 5182674 (2d Cir. Dec. 20, 2024)
- *Tuthill v. United States*, 270 F. Supp. 2d 395, 400 (S.D.N.Y. 2003)
- *Wilson v. Wal-Mart Stores E., LP*, No. 16-CV-8637 (JCM), 2018 WL 4473342, at *8 (S.D.N.Y. Sept. 18, 2018)