

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

Gavilanes v. 919 Ground Lease LLC

2026 NY Slip Op 02451 (App. Div. 1st Dep't Apr. 23 2026) · No. Index No. 153246/22; Appeal No. 6454; Case No. 2025-03947 · Decided April 23, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order granting Luis Gavilanes summary judgment on liability under Labor Law § 240(1) and denying defendants' cross-motion to dismiss that claim. The court held that the evidence established defendants' negligence and a proximate causal connection to the plaintiff's accident, and it rejected challenges concerning translated evidence and the availability of a ladder.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kennedy, J.; González, J.; Pitt-Burke, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	April 23, 2026
DOCKET	Index No. 153246/22; Appeal No. 6454; Case No. 2025-03947
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from an order granting plaintiff summary judgment on liability under Labor Law § 240(1) and denying defendants' cross-motion to dismiss that claim.
PRECEDENTIAL VALUE	published
PARTIES	919 Ground Lease LLC et al. v. Luis Gavilanes

TOPICS

- construction law
- personal injury
- evidence
- appellate procedure

PRACTICE AREAS

- construction law
- personal injury
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QUESTIONS PRESENTED

1. Whether plaintiff was entitled to summary judgment on liability under Labor Law § 240(1).
2. Whether defendants were entitled to dismissal of plaintiff's Labor Law § 240(1) claim.
3. Whether translated evidence was properly supported by translator attestations demonstrating competent and accurate translation.

HOLDINGS

1. Plaintiff was entitled to summary judgment on liability because the evidence established that defendants' negligence resulted in a violation of Labor Law § 240(1) and was a proximate cause of plaintiff's accident and injury.
2. The proponent of translated evidence bears the burden of demonstrating that the translation was provided by a competent, objective interpreter and was accurate; professional qualifications and competence in both languages generally suffice, but attestations merely stating fluency without other credentials were inadequate.

KEY QUOTATIONS

“that the translation was provided by a competent, objective interpreter whose translation was accurate”
([*1])

FACTUAL BACKGROUND

Plaintiff was directed by his foreman to cross to the other side of a structure by climbing on its cross-pipes, even though he needed a mobile scaffold to perform his work. Plaintiff climbed without a harness; although he had a harness, he testified that its hook was too small to tie off to the pipes. The record contained a dispute about whether a ladder was available, but there was no evidence that plaintiff refused to use it or that it was a suitable alternative to the mobile scaffold.

PROCEDURAL HISTORY

Supreme Court, New York County, granted plaintiff's motion for summary judgment as to liability on his Labor Law § 240(1) claim and denied defendants' cross-motion seeking dismissal. The Appellate Division, First Department, affirmed the order to the extent appealed from.

DISPOSITION

affirmed

CASES CITED

- Nava-Juarez v. Moshulu Fieldston Realty, LLC, 167 A.D.3d 511, 512 (1st Dep't 2018)
- National Puerto Rican Day Parade, Inc. v. Casa Pubs., Inc., 79 A.D.3d 592, 594 (1st Dep't 2010)
- Hoffman v. SJP TS, LLC, 111 A.D.3d 467, 467 (1st Dep't 2013)
- Ortiz v. City of New York, 224 A.D.3d 631, 631-32 (1st Dep't 2024)

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