

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

Chiappa v. Port Auth. of N.Y. & N.J.

Chiappa, 2026 NY Slip Op 03227 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Index No. 805328/22; Appeal No. 6686; Case No. 2025-05820 · Decided May 21, 2026

SUMMARY

The Appellate Division, First Department modified an order granting defendants summary judgment in a construction-injury action arising at LaGuardia Airport. The court reinstated the Labor Law § 241(6) claim against all defendants and the Labor Law § 200 and common-law negligence claims against Delta, finding issues of fact concerning the security and construction of a ramp, Delta’s control over the work, and whether the plaintiff’s conduct constituted comparative negligence, a superseding cause, or a foreseeable consequence.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, 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. 805328/22; Appeal No. 6686; Case No. 2025-05820
DISPOSITION	modified_and_affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order granting defendants' motion for summary judgment dismissing claims under Labor Law §§ 200 and 241(6) and common-law negligence.
STANDARD OF REVIEW	Summary judgment is proper only where the movant establishes prima facie entitlement to judgment as a matter of law; where the record presents issues of fact, dismissal is improper. The court also reviewed whether defendants established as a matter of law that plaintiff was the sole proximate cause of his injuries and whether alternative methods of performing the work were feasible and reasonable.
PRECEDENTIAL VALUE	published

PARTIES

Michael C. Chiappa et al. v. The Port Authority of New York and New Jersey et al., Delta Air Lines, Inc.

TOPICS

construction law negligence appellate procedure standard of review comparative fault

PRACTICE AREAS

construction law personal injury torts appellate procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment dismissing the Labor Law § 241(6) claim where the evidence raised an issue of fact concerning whether the ramp violated Industrial Code § 23-1.22(b)(1).
2. Whether the Labor Law § 200 and common-law negligence claims against Delta should have been dismissed where issues of fact existed concerning Delta's control over the means and methods of the work.
3. Whether plaintiff was the sole proximate cause of his injuries, or whether his conduct could constitute at most comparative negligence.
4. Whether plaintiff's decision to lift the crate was a superseding cause or a foreseeable consequence of defendants' alleged failure to provide a secure ramp.

HOLDINGS

1. Summary judgment dismissing the Labor Law § 241(6) claim was improper because defendants failed to establish prima facie entitlement to judgment as a matter of law and the record presented an issue of fact as to whether the unsecured or inadequately constructed ramp violated Industrial Code § 23-1.22(b)(1).
2. The Labor Law § 200 and common-law negligence claims against Delta should be reinstated because issues of fact existed regarding Delta's control over the means and methods of the work that caused plaintiff's injury.
3. The trial court erred in finding that plaintiff was the sole proximate cause of his injuries; even assuming plaintiff was negligent, his conduct could constitute at most comparative negligence.
4. Whether plaintiff's conduct in attempting to lift the crate was a superseding cause or a foreseeable consequence of defendants' conduct was an issue for the factfinder.

KEY QUOTATIONS

*“Supreme Court should not have dismissed the Labor Law § 241(6) claim because defendants failed to establish prima facie entitlement to summary judgment on that claim.” (*1)*

*“Further, Supreme Court erred in finding that plaintiff was the sole proximate cause of his injuries.” (*2)*

*“Finally, it is for the factfinder to resolve whether plaintiff’s conduct in trying to lift the crate was a superseding cause or a foreseeable consequence of defendants’ conduct.” (*2)*

FACTUAL BACKGROUND

Michael C. Chiappa was injured while working on a construction project at LaGuardia Airport, which was owned by the Port Authority and leased to Delta. A Delta superintendent instructed Chiappa and a coworker to move ten crates weighing approximately 400 pounds each across an expansion joint using pallet jacks and a plywood ramp installed by Delta. When one crate became stuck because the ramp moved or failed, Chiappa and his coworker attempted to lift it, injuring Chiappa.

PROCEDURAL HISTORY

Supreme Court, Bronx County, granted defendants' motion for summary judgment to the extent it sought dismissal of the Labor Law §§ 200 and 241(6) and common-law negligence claims. The Appellate Division modified the order by reinstating the Labor Law § 200 and common-law negligence claims against Delta Air Lines, Inc. and the Labor Law § 241(6) claim against all defendants, and otherwise affirmed.

DISPOSITION

modified_and_affirmed

REMAND INSTRUCTIONS

The Labor Law § 200 and common-law negligence claims are reinstated against Delta Air Lines, Inc., and the Labor Law § 241(6) claim is reinstated against all defendants; the order is otherwise affirmed.

CASES CITED

- Solarte v. Brearley Sch., 238 AD3d 541, 542 [1st Dept 2025]
- Rohan v. Turner Constr. Co., 142 AD3d 887, 887 [1st Dept 2016]
- Blake v. Neighborhood Hous. Servs. of N.Y.C., Inc., 1 NY3d 280, 290 [2003]
- Perez v. 1334 York, LLC, 234 AD3d 455, 456 [1st Dept 2025]
- Kittelstad v. Losco Group, Inc., 92 AD3d 612, 613 [1st Dept 2012]
- Hain v. Jamison, 28 NY3d 524, 529 [2016]
- Derdarian v. Felix Contr. Corp., 51 NY2d 308, 315 [1980]

OPINION

Chiappa v. Port Auth. of N.Y. & N.J. 2026 NY Slip Op 03227

PER CURIAM.

Chiappa v Port Auth. of N.Y. & N.J. - 2026 NY Slip Op 03227 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court

Decisions Decisions *Chiappa v Port Auth. of N.Y. & N.J.* 2026 NY Slip Op 03227 May 21, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. Michael C. Chiappa et al., Plaintiffs-Appellants, v The Port Authority of New York and New Jersey et al., Defendants-Respondents. Decided and Entered: May 21, 2026 Index No. 805328/22|Appeal No. 6686|Case No. 2025-05820| Before: Kennedy, J.P., Scarpulla, Mendez, Rodriguez, Rosado, JJ. Horn Appellate Group, P.C., Brooklyn (Christen Giannaros of counsel), for appellants. Gerber Ciano Kelly Brady LLP, Garden City (Brendan T. Fitzpatrick of counsel), for respondents. [*1] Order, Supreme Court, Bronx County (Myrna Socorro, J.), entered September 24, 2025, which, to the extent appealed from as limited by the briefs, granted defendants' motion for summary judgment insofar as it sought dismissal of the Labor Law § 200 and common-law negligence claims and the Labor Law § 241(6) claim, unanimously modified, on the law, to the extent of reinstating the Labor Law § 200 and common-law negligence claims as against defendant Delta Air Lines, Inc. and reinstating the Labor Law § 241(6) claim as against all defendants, and otherwise affirmed, without costs. Plaintiff Michael C. Chiappa alleges that he was injured while working on a construction project at LaGuardia Airport; the airport was owned by defendant Port Authority of New York and New Jersey, which in turn leased it to Delta. Plaintiff testified at his deposition that the superintendent for Delta, which was constructing a new terminal building and concourse, instructed him to move 10 crates of construction material, each weighing around 400 pounds, across an expansion joint. To accomplish this task, plaintiff and a coworker had to wheel pallet jacks over a ramp that Delta had installed. As the crates were being moved, one of them got stuck on the ramp, and plaintiff was injured when he and his coworker tried to lift the stuck crate. Supreme Court should not have dismissed the Labor Law § 241(6) claim because defendants failed to establish prima facie entitlement to summary judgment on that claim. On the contrary, the record at a minimum contains an issue of fact as to whether defendants violated Industrial Code § 23-1.22(b)(1) by providing a ramp that was not secured. Plaintiff's coworker testified at his deposition that the plywood ramps "flap[ped] around" when the workers crossed over them, and plaintiff's supervisor testified that the ramps "c[a]me loose" and "start[ed] peeling up" because they were warped. That the ramp failed to withstand the weight of the pallet jack and crate demonstrates that it was not adequately constructed (see *Solarte v Brearley Sch.* , 238 AD3d 541 , 542 [1st Dept 2025]). The Labor Law § 200 and common-law negligence claims against Delta should be reinstated. Plaintiff's injury was caused by the means and methods of the work, and there is evidence in the record raising issues of fact regarding Delta's control over the work such that it may be liable for common-law negligence or a violation of Labor Law § 200 (see *Rohan v Turner Constr. Co.* , 142 AD3d 887, 887 [1st Dept 2016]). [*2] Further, Supreme Court erred in finding that plaintiff was the sole proximate cause of his injuries. Even assuming plaintiff was negligent, his negligence can constitute at most comparative negligence (*Blake v Neighborhood Hous. Servs. of New York City, Inc.* , 1 NY3d

280, 290 [2003]; *Perez v 1334 York, LLC* , 234 AD3d 455 , 456 [1st Dept 2025]). There are issues of fact as to whether plaintiff's decision to try to lift the crate after the ramp failed was a proximate cause of the accident. Plaintiff testified that the supervisor directed the crates to be moved "today, like now." Half of the 400-pound crate was still on the pallet jack when plaintiff tried to lift it, and plaintiff was lifting the crate with a coworker, who testified that their plan to lift the crate was a "no-brainer." Defendants failed to establish as a matter of law that any of the proposed alternative methods for moving the crate would have been feasible or reasonable and would have prevented the accident (see *Kittelstad v Losco Group, Inc.* , 92 AD3d 612, 613 [1st Dept 2012]). There are also issues of fact regarding whether plaintiff's decision to lift the crate without waiting for additional help was a foreseeable consequence of defendants' failure to provide a secure ramp (see *Hain v Jamison* , 28 NY3d 524, 529 [2016]). Finally, it is for the factfinder to resolve whether plaintiff's conduct in trying to lift the crate was a superseding cause or a foreseeable consequence of defendants' conduct (see *Derdiarian v Felix Contr. Corp.* , 51 NY2d 308, 315 [1980]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 21, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

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Fitzpatrick of counsel), for respondents.

Order, Supreme Court, Bronx County (Myrna Socorro, J.), entered September 24, 2025, which, to the extent appealed from as limited by the briefs, granted defendants' motion for summary judgment insofar as it sought dismissal of the Labor Law § 200 and common-law negligence claims and the Labor Law § 241(6) claim, unanimously modified, on the law, to the extent of reinstating the Labor Law § 200 and common-law negligence claims as against defendant Delta Air Lines, Inc. and reinstating the Labor Law § 241(6) claim as against all defendants, and otherwise affirmed, without costs.

Plaintiff Michael C. Chiappa alleges that he was injured while working on a construction project at LaGuardia Airport; the airport was owned by defendant Port Authority of New York and New Jersey, which in turn leased it to Delta. Plaintiff testified at his deposition that the superintendent for Delta, which was constructing a new terminal building and concourse, instructed him to move 10 crates of construction material, each weighing around 400 pounds, across an expansion joint. To accomplish this task, plaintiff and a coworker had to wheel pallet jacks over a ramp that Delta had installed. As the crates were being moved, one of them got stuck on the ramp, and plaintiff was injured when he and his coworker tried to lift the stuck crate.

Supreme Court should not have dismissed the Labor Law § 241(6) claim because defendants failed to establish prima facie entitlement to summary judgment on that claim. On the contrary, the record at a minimum contains an issue of fact as to whether defendants violated Industrial Code § 23-1.22(b)(1) by providing a ramp that was not secured. Plaintiff's coworker testified at his deposition that the plywood ramps "flap[ped] around" when the workers crossed over them, and plaintiff's supervisor testified that the ramps "c[a]me loose" and "start[ed] peeling up" because they were warped. That the ramp failed to withstand the weight of the pallet jack and crate demonstrates that it was not adequately constructed (*see Solarte v Brearley Sch.*, 238 AD3d 541, 542 [1st Dept 2025]).

The Labor Law § 200 and common-law negligence claims against Delta should be reinstated. Plaintiff's injury was caused by the means and methods of the work, and there is evidence in the record raising issues of fact regarding Delta's control over the work such that it may be liable for common-law negligence or a violation of Labor Law § 200 (*see Rohan v Turner Constr. Co.*, 142 AD3d 887, 887 [1st Dept 2016]).

Further, Supreme Court erred in finding that plaintiff was the sole proximate cause of his injuries. Even assuming plaintiff was negligent, his negligence can constitute at most comparative negligence (*Blake v Neighborhood Hous. Servs. of New York City, Inc.*, 1 NY3d 280, 290 [2003]; *Perez v 1334 York, LLC*, 234 AD3d 455, 456 [1st Dept 2025]). There are issues of fact as to whether plaintiff's decision to try to lift the crate after the ramp failed was a proximate cause of the accident. Plaintiff testified that the supervisor directed the crates to be moved "today, like now." Half of the 400-pound crate was still on the pallet jack when plaintiff tried to lift it, and plaintiff was lifting the crate with a coworker, who testified that their plan to lift the crate was a "no-brainer." Defendants failed to establish as a matter of law that any of the proposed alternative methods for moving the crate would have been feasible or reasonable and

would have prevented the accident (*see* *Kittelstad v Losco Group, Inc.*, 92 AD3d 612, 613 [1st Dept 2012]). There are also issues of fact regarding whether plaintiff's decision to lift the crate without waiting for additional help was a foreseeable consequence of defendants' failure to provide a secure ramp (*see* *Hain v Jamison*, 28 NY3d 524, 529 [2016]).

Finally, it is for the factfinder to resolve whether plaintiff's conduct in trying to lift the crate was a superseding cause or a foreseeable consequence of defendants' conduct (*see* *Derdiarian v Felix Contr. Corp.*, 51 NY2d 308, 315 [1980]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 21, 2026

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