

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

Archie v. Cunningham Assoc., L.P.

Archie, 2026 N.Y. Slip Op. 03772 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2025-05876 · Decided June 17, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order denying the defendants' motion for summary judgment in a premises-liability action arising from the plaintiff's alleged slip and fall on ice. The court held that the storm-in-progress doctrine applied and that the defendants' salting and ice-melt efforts neither created nor exacerbated a hazardous condition.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Cheryl E. Chambers, J.P.; Helen Voutsinas, J.; Janice A. Taylor, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 17, 2026
DOCKET	2025-05876
DISPOSITION	reversed
PROCEDURAL POSTURE	The defendants appealed from an order of the Supreme Court, Queens County, denying their motion for summary judgment dismissing the amended complaint in a premises-liability personal-injury action.
STANDARD OF REVIEW	The Appellate Division reviewed whether the defendants established prima facie entitlement to summary judgment as a matter of law and whether the plaintiff raised a triable issue of fact in opposition.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; uncorrected and subject to revision before publication in the Official Reports.
PARTIES	Cunningham Associates, L.P., Wen Management Corp. v. Keyonna Archie

TOPICS

premises liability

summary judgment

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the defendants established prima facie entitlement to summary judgment under New York's storm-in-progress doctrine.
2. Whether the defendants' efforts to apply salt or ice melt created a hazardous condition or exacerbated a natural hazard created by the storm.
3. Whether the plaintiff raised a triable issue of fact in opposition to the defendants' motion.

HOLDINGS

1. A property owner or manager moving for summary judgment in a premises-liability case may establish prima facie entitlement to judgment by showing that a storm was in progress when the plaintiff fell on an icy condition. The defendants made that showing through deposition testimony, meteorological evidence, and certified climatological data.
2. The defendants' application of salt or ice melt during the storm did not, on the evidence presented, create a hazardous condition or exacerbate the natural hazard created by the storm.
3. The plaintiff failed to raise a triable issue of fact as to whether the defendants' ice-removal or prevention efforts created a hazardous condition or exacerbated a natural hazard.

KEY QUOTATIONS

*"Under the storm in progress doctrine, a landowner 'will not be held liable in negligence for a plaintiff's injuries sustained as the result of an icy condition occurring during an ongoing storm or for a reasonable time thereafter'" ([*1])*

*"However, even if a storm is ongoing, once a property owner elects to remove snow or ice, it must do so with reasonable care or it could be held liable for creating a hazardous condition or exacerbating a natural hazard created by the storm'" ([*2])*

FACTUAL BACKGROUND

On February 4, 2022, at approximately 8:47 p.m., Keyonna Archie allegedly slipped and fell on ice on a walkway of a residential building owned by Cunningham Associates, L.P. and managed by Wen Management Corp. The defendants submitted deposition testimony, an expert meteorologist's affidavit, and certified climatological data showing that a storm was in progress when the accident occurred. The evidence also showed that the defendants had applied salt or ice melt to prevent ice accumulation, but the court found that these efforts neither created a hazardous condition nor exacerbated the natural hazard created by the storm.

PROCEDURAL HISTORY

Archie sued Cunningham Associates, L.P., the owner of a residential building, and Wen Management Corp., its manager, after allegedly slipping and falling on ice on a walkway. The defendants moved for summary judgment. The Supreme Court, Queens County, denied the motion, and the Appellate Division reversed and granted summary judgment to the defendants.

DISPOSITION

reversed

CASES CITED

- Colon v. New York City Tr. Auth., 201 A.D.3d 867, 868
- Grossman v. Bridgeview Holdings, LLC, 238 A.D.3d 1004, 1005
- Jackson v. City of New York, 238 A.D.3d 1126, 1127
- Sherman v. New York State Thruway Auth., 27 N.Y.3d 1019, 1020-1021
- Pennino v. Brooklyn Kings Plaza, LLC, 186 A.D.3d 1701, 1702
- Koh Chong Wong v. Kontonis, 128 A.D.3d 1019, 1020
- Sanfilippo v. Kull, 230 A.D.3d 709, 710-711
- Balagyozyan v. Federal Realty L.P., 191 A.D.3d 749, 751
- Rivera v. New York City Health & Hosps. Corp., 170 A.D.3d 1214, 1214