

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

Gomez v Brookfield Props. One WFC Co., LLC

Gomez v. Brookfield Props. One WFC Co., LLC, 2026 NY Slip Op 03921 (N.Y. Ct. App. 2026) · No. Index Nos. 151809/24, 595462/25; Appeal No. 6941; Case No. 2025-07865 · Decided June 23, 2026

SUMMARY

The Appellate Division, First Department reversed an order denying Jimmy Mejia Gomez's motion for summary judgment on liability under New York Labor Law § 240(1). The court held that Gomez established prima facie entitlement to judgment based on his testimony that an eight-foot A-frame ladder moved and caused his fall, and that the defendants failed to raise a triable issue of fact or show that the motion was premature.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Renwick, P.J.; Scarpulla, J.; González, J.; Rodriguez, J.; O'Neill Levy, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	June 23, 2026
DOCKET	Index Nos. 151809/24, 595462/25; Appeal No. 6941; Case No. 2025-07865
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order denying his motion for summary judgment on liability under Labor Law § 240(1), with leave to renew after further discovery.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the summary-judgment record and whether the moving party established entitlement to judgment as a matter of law.
PRECEDENTIAL VALUE	Published
PARTIES	Jimmy Mejia Gomez v. Brookfield Properties One WFC Co., LLC

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether plaintiff established prima facie entitlement to summary judgment on liability under Labor Law § 240(1) through testimony that an A-frame ladder moved and caused his fall.
2. Whether defendants raised a triable issue of fact based on plaintiff's statements in post-accident medical and investigation reports that he lost his balance.
3. Whether defendants established a nonspeculative basis for deeming plaintiff's summary-judgment motion premature and requiring further discovery.
4. Whether Tulla Construction Corp. could claim lack of access to the pleadings when the pleadings had been filed electronically and were available to the parties and court.

HOLDINGS

1. Plaintiff established prima facie entitlement to summary judgment on his Labor Law § 240(1) cause of action through his testimony that the ladder moved from side to side and caused him to fall.
2. The statements in plaintiff's post-accident medical and investigation reports did not create a triable issue of fact because, even if considered, they were not inconsistent with his testimony that the ladder moved and caused his fall.
3. Defendants failed to establish that plaintiff's motion was premature or that a nonspeculative basis existed to require further discovery.
4. Tulla's argument lacked merit because the pleadings were filed electronically and were available to the parties and the court.

KEY QUOTATIONS

“pleadings were filed electronically and thus were available to the parties and the court” ([*1])

FACTUAL BACKGROUND

Plaintiff fell from an eight-foot A-frame ladder while installing sheetrock. He testified that the ladder moved from side to side and caused him to fall. Post-accident medical and investigation reports stated that he lost his balance, but the court found that statement was not inconsistent with his testimony about the ladder's movement.

PROCEDURAL HISTORY

The Supreme Court, New York County, denied plaintiff's motion for summary judgment on his Labor Law § 240(1) cause of action as premature, allowing renewal after further discovery. The Appellate Division unanimously reversed on the law and granted the motion.

DISPOSITION

reversed

CASES CITED

- Diaz v Boston Props., 2026 NY Slip Op 03114 (1st Dep't 2026)
- Begnoja v Hudson Riv. Park Trust, 238 AD3d 481, 481 (1st Dep't 2025)
- Rodas-Garcia v NYC United LLC, 225 AD3d 556, 557 (1st Dep't 2024)
- Rosario v Franklin Plaza Apts., Inc., 245 AD3d 490, 491 (1st Dep't 2026)
- Duran v ERY Retail Podium LLC, 238 AD3d 665, 665 (1st Dep't 2025)
- Simpertegui v Carlyle House Inc., 227 AD3d 486, 486 (1st Dep't 2024)
- Laporta v PPC Commercial, LLC, 204 AD3d 538, 539 (1st Dep't 2022)
- Studio A Showroom, LLC v Yoon, 99 AD3d 632, 632 (1st Dep't 2012)

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