

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

Lee v. Montefiore Med. Ctr.

2025 NY Slip Op 06814 (Supreme Court of the State of New York Appellate Division First Department 2025) ·
No. Index No. 20565/16; Appeal No. 5313; Case No. 2024-04242 · Decided December 9, 2025

SUMMARY

The Appellate Division, First Department reversed the denial of Montefiore Medical Center’s motion for summary judgment and dismissed the direct claims against it. Although plaintiff raised an issue of fact regarding the hospital’s maintenance of a rotablator, the court held that any departure was not a proximate cause or substantial factor in causing the decedent’s injuries because Dr. Shih independently chose to perform additional angioplasty procedures.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kapnick, J.; Mendez, J.; Shulman, J.; Hagler, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	December 9, 2025
DOCKET	Index No. 20565/16; Appeal No. 5313; Case No. 2024-04242
DISPOSITION	reversed
PROCEDURAL POSTURE	Montefiore Medical Center appealed from an order denying its motion for summary judgment dismissing the direct claims against it.
STANDARD OF REVIEW	Summary judgment is proper where the movant establishes entitlement to judgment as a matter of law and the opposing party fails to raise a triable issue; the appellate court reviewed the motion as a matter of law.
PRECEDENTIAL VALUE	published
PARTIES	Montefiore Medical Center v. Marian Lee, as Administratrix of the Estate of Mary Tsong Lee

TOPICS

medical malpractice

professional negligence

summary judgment

proximate cause

standard of review

PRACTICE AREAS

medical malpractice

professional negligence

medical device maintenance

summary judgment

appellate procedure

QUESTIONS PRESENTED

1. Whether Montefiore was entitled to summary judgment on the direct claims despite a factual dispute concerning whether it deviated from the standard of care by failing to ensure that the rotablator was functional.
2. Whether any alleged failure by Montefiore to maintain or test the rotablator was a proximate cause or substantial factor in causing the decedent's injuries.

HOLDINGS

1. Montefiore established its prima facie entitlement to summary judgment because any alleged departure from accepted practice in maintaining or testing the rotablator was not a proximate cause or substantial factor in causing the decedent's injuries.
2. Montefiore's submission of the device's maintenance records on reply was improper, and the records in any event did not establish that the inspections complied with accepted practice.

KEY QUOTATIONS

*“Nonetheless, Montefiore established its prima facie entitlement to summary judgment because any such departure was not a proximate cause or substantial factor in causing decedent's injuries” ([*1])*

*“Under these circumstances, Montefiore cannot be held responsible for any direct claims asserted against it by plaintiff.” ([*1])*

FACTUAL BACKGROUND

Montefiore represented that it had a functioning rotablator available for the decedent's proposed atherectomy, but the device's foot pedal malfunctioned. After discovering that the rotablator was not functioning, Dr. Shih elected to perform six angioplasty procedures rather than postpone the atherectomy, although the decedent was hemodynamically stable. The last angioplasty procedure dissected the decedent's left main artery, causing the injuries underlying the claims.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, entered an order on or about July 3, 2024, denying Montefiore's motion for summary judgment dismissing all direct claims against it. The Appellate Division, First Department, unanimously reversed on the law, granted the motion, and dismissed the direct claims against Montefiore.

DISPOSITION

reversed

CASES CITED

- Matter of Kennelly v. Mobius Realty Holdings LLC, 33 A.D.3d 380, 381 (1st Dep't 2006)
- Anyie B. v. Bronx Lebanon Hosp., 128 A.D.3d 1, 3 (1st Dep't 2015)
- Malone v. Kim, 96 A.D.3d 477, 477 (1st Dep't 2012)

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