

Friedman, J.P., Renwick, Tom, Kahn, Kern, JJ.

5262 Bertrand Tchouke, et al., Index 305891/11
 Plaintiffs-Appellants,

-against-

The City of New York,
 Defendant,

Montefiore Medical Center,
 Defendant-Respondent.

Wobby Groner Edelman LLP, White Plains (Michael L. Taub of
counsel), for appellants.

Furman Kornfeld & Brennan LLP, New York (John Gizunterman of
counsel), for respondent.

Order, Supreme Court, Bronx County (Lizbeth Gonzalez, J.),
entered May 24, 2016, which, insofar as appealed from as limited
by the briefs, granted the motion of defendant Montefiore Medical
Center for summary judgment dismissing the complaint as against
it, unanimously affirmed, without costs.

Plaintiff Bertrand Tchouke was injured when, upon exiting
his car, which he had parked parallel to the curb, he slipped and
fell on an accumulation of snow on ice alongside the sidewalk
abutting Montefiore's property. The record establishes, as a
matter of law, that Montefiore's conduct was not a proximate
cause of plaintiff's injury because, even if, as plaintiff

claims, Montefiore negligently failed to clear a path between the street and the sidewalk somewhere on the block (see *McKenzie v City of New York*, 116 AD3d 526, 527 [1st Dept 2014]), it had no duty to place such a path at the precise spot where plaintiff parked his car. Moreover, the record is devoid of any evidence that plaintiff intended to use a cleared path but none existed. In this regard, plaintiff, who had been driving the car, testified that, for medical reasons, he could not shift himself over the gear shift to the passenger side to exit the car. We also note that the record establishes that the main part of the sidewalk itself had been cleared of snow and that plaintiff fell as he stepped onto the accumulation of snow that had been created alongside the sidewalk when it was cleared.

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

ENTERED: FEBRUARY 1, 2018

A handwritten signature in black ink, appearing to read "Susan R.", written over a horizontal line.

CLERK