

282 A.D.2d 496, 722 N.Y.S.2d 880, 2001 N.Y. Slip Op. 03003
 (Cite as: **282 A.D.2d 496, 722 N.Y.S.2d 880**)

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Supreme Court, Appellate Division,
 Second Department, New York.

Valmarie EICK, plaintiff,

v.

STATEN ISLAND ORTHOPAEDIC ASSOCIATES,
 P.C., et al., defendants third-party plain-
 tiffs-appellants;
 K-Mart Corporation, third-party defen-
 dant-respondent.
 April 9, 2001.

Amabile & Erman, P.C., Staten Island, N.Y. (Anthony
 A. Lenza, Jr., of counsel), for defendants third-party
 plaintiffs-appellants.

Andrew Kazin of counsel, for third-party defen-
 dant-respondent.

****881 *496** In an action, *inter alia*, to recover ***497**
 damages for medical malpractice, the defendants
 third-party plaintiffs appeal from an order of the Su-
 preme Court, Richmond County (Lebowitz, J.), dated
 June 5, 2000, which granted the motion of the
 third-party defendant for summary judgment dis-
 missing the third-party complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff allegedly was injured when she fell while
 working for the third-party defendant, K-Mart Cor-
 poration (hereinafter K-Mart). She thereafter received
 medical treatment from the appellants. She com-
 menced an action against the appellants, *inter alia*, to
 recover damages for medical malpractice, alleging
 that she developed, among other injuries, a permanent
 and untreatable form of [reflex sympathetic dystrophy](#)
 because of their failure to properly and timely diag-
 nose and treat the injuries she sustained in the fall. The
 appellants thereafter commenced a third-party action
 against K-Mart for contribution.

The appellants' liability, if any, is based on the ex-
 acerbation or aggravation of the plaintiff's initial in-
 juries that they caused by their alleged medical mal-

practice in treating her, and is successive to and in-
 dependent of any liability of K-Mart (*see, Ravo v.*
[Rogatnick](#), 70 N.Y.2d 305, 520 N.Y.S.2d 533, 514
 N.E.2d 1104). K-Mart made a prima facie showing of
 its entitlement to judgment as a matter of law by de-
 monstrating that the liability for the plaintiff's alleged
 injuries could reasonably be divided or allocated be-
 tween it and the appellants, and that the appellants, as
 independent successive tortfeasors, cannot maintain a
 claim for contribution against it as a prior tortfeasor
 (*see, Ravo v. Rogatnick, supra; Hovsepian v. Klein-*
man-Cindrich, 226 A.D.2d 431, 641 N.Y.S.2d 61;
[Kalikas v. Artale](#), 124 A.D.2d 645, 507 N.Y.S.2d
 900). In opposition, the appellants failed to raise a
 triable issue of fact. Therefore, the Supreme Court
 properly granted the motion for summary judgment
 dismissing the third-party complaint.

[BRACKEN](#), P.J., [O'BRIEN](#), [RITTER](#) and
[GOLDSTEIN](#), JJ., concur.

N.Y.A.D. 2 Dept. 2001.
 Eick v. Staten Island Orthopaedic Associates, P.C.
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