

SUMMARY JUDGMENT

Summary judgment is appropriate where there is "no genuine issue as to any material fact," so that the moving party is entitled to "judgment as a matter of law." [Fed. R. Civ. P. 56(c)]. The court must view the facts in the light most favorable to the non-moving party, and must resolve all ambiguities and draw all inferences against the moving party. See *In re Coach Leatherware Co. v. Ann Taylor, Inc.*, 933, F. 2d 162, 167 (2d Cir. 1991).

The court is not to "weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." See *In re Liberty Lobby*, 477 U.S. 242 at 249, 91, L. Ed. 2d 202, 106 S. Ct. 2505