

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: JON. JAMES E. d'AUGUSTEPART 55

Index Number : 153737/2013

STEINBOK, ELAINE D.

vs

CITY OF NEW YORK

Sequence Number : 006

SUMMARY JUDGMENT

INDEX NO. _____

MOTION DATE _____

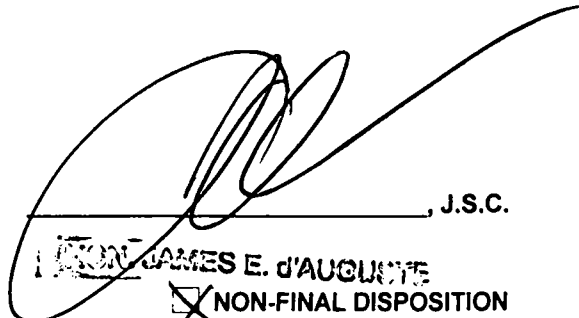
MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ ☐ No(s). _____Answering Affidavits — Exhibits _____ ☐ No(s). _____Replying Affidavits _____ ☐ No(s). _____Upon the foregoing papers, it is ordered that this motion is
denied.

The motion by plaintiff seeking summary judgment on the issue of liability is denied. Issues of fact exist that preclude the granting of the instant motion. As noted by defendants, plaintiff was treated in a hospital with anti-inflammatory medicine after an accident and released. No diagnostic tests were deemed necessary. Plaintiff had multiple injuries prior to the accident and her expert failed to rule out alternative causation. Moreover, defendants' experts raise issues regarding not only whether the injuries themselves are serious, but also whether the accident was the cause of them. Accordingly, the motion is denied.

This constitutes the decision and order of this Court.

Dated: 9/20/17

_____, J.S.C.
JON. JAMES E. d'AUGUSTE

1. CHECK ONE: ☐ CASE DISPOSED ☒ NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: ☐ GRANTED ☒ DENIED ☐ GRANTED IN PART ☐ OTHER
3. CHECK IF APPROPRIATE: ☐ SETTLE ORDER ☐ SUBMIT ORDER

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):