

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: JON. JAMES E. d'AUGUSTE
Justice

PART 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.

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

Dated: 9/20/17

[Signature] J.S.C.
JON. JAMES E. d'AUGUSTE
NON-FINAL DISPOSITION

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