

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13100
C/mv

_____AD3d_____

Submitted - November 3, 2006

ANITA R. FLORIO, J.P.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO, JJ.

2006-02153

DECISION & ORDER

William Howell, respondent,
v Jessica Verona, et al., appellants.

(Index No. 45869/03)

Baker, McEvoy, Morrissey & Moskovits, P.C., New York, N.Y. (Stacy R. Seldin of counsel), for appellants.

Grey & Grey, LLP, Farmingdale, N.Y. (Joan S. O'Brien of counsel), for respondent.

In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Kings County (Schack, J.), dated January 3, 2006, which granted the plaintiff's motion for summary judgment on the issue of liability.

ORDERED that the order is affirmed, with costs.

The plaintiff established his prima facie entitlement to summary judgment on the issue of liability by presenting proof that the defendant Jessica Verona proceeded into the intersection and failed to yield the right of way to his vehicle in violation of Vehicle and Traffic Law § 1142(a) (*see McNamara v Fishkowitz*, 18 AD3d 721). In opposition, the defendants failed to raise a triable issue of fact as to the plaintiff's comparative negligence.

The defendant's remaining contentions are without merit.

FLORIO, J.P., MASTRO, RIVERA and SPOLZINO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 19, 2006

HOWELL v VERONA