

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

D13292  
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Submitted - November 29, 2006

HOWARD MILLER, J.P.  
GABRIEL M. KRAUSMAN  
ROBERT A. SPOLZINO  
STEVEN W. FISHER  
MARK C. DILLON, JJ.

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2005-08784

DECISION & ORDER

Julia Orna, appellant, v Mirmal Singh,  
et al., respondents.

(Index No. 2734/03)

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William Pager, Brooklyn, N.Y. (Hattie F. Ragone of counsel), for appellant.

Timothy M. Sullivan, New York, N.Y., for respondents.

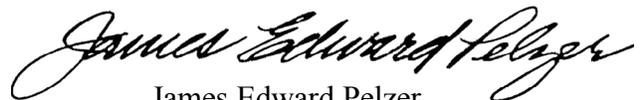
In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Queens County (Rosengarten, J.), dated August 9, 2005, which granted the defendants' motion for summary judgment dismissing the complaint on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d).

ORDERED that the order is affirmed, with costs.

The defendants established their prima facie burden on their motion, via their submissions, showing that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the subject accident (*see Toure v Avis Rent A Car Sys.*, 98 NY2d 345; *Gaddy v Eyler*, 79 NY2d 955; *Kearse v New York City Tr. Auth.*, 16 AD3d 45). In opposition, the plaintiff failed to raise a triable issue of fact.

MILLER, J.P., KRAUSMAN, SPOLZINO, FISHER and DILLON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 26, 2006

ORNA v SINGH