

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

D14630  
Y/gts

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - March 7, 2007

WILLIAM F. MASTRO, J.P.  
DAVID S. RITTER  
PETER B. SKELOS  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2006-09653

DECISION & ORDER

Feemada Sookoo, respondent, v  
Luis Paredes, et al., appellants.

(Index No. 10335/05)

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

Jeffrey Hirsch, Cedarhurst, N.Y., for respondent.

In an action, inter alia, to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Kings County (Ambrosio, J.), dated July 17, 2006, which denied their 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 made a prima facie showing that the plaintiff did not sustain a serious injury as a result of the subject accident (*see* Insurance Law § 5102[d]; *Baez v Rahamatali*, 6 NY3d 868, 869; *Cervino v Gladysz-Steliga*, 36 AD3d 744). However, in opposition to the motion, the plaintiff submitted sufficient medical and other evidence to raise triable issues of fact, thereby

warranting the denial of the defendants' motion for summary judgment (*see e.g. Gonzalez v Baik*, 36 AD3d 854; *Cenatus v Rosen*, 3 AD3d 546).

MASTRO, J.P., RITTER, SKELOS, CARNI and McCARTHY, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court