

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

D18004  
G/hu

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

Argued - December 13, 2007

A. GAIL PRUDENTI, P.J.  
STEPHEN G. CRANE  
STEVEN W. FISHER  
WILLIAM E. McCARTHY, JJ.

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2006-07366

DECISION & ORDER

Deira Rawlings, etc., appellant, v National  
Car Rental System, Inc., et al., defendants;  
Alamo Financing, L.P., et al., nonparty-respondents.

(Index No. 23520/05)

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Lipsig Shapey Manus & Moverman, PC (Pollack, Pollack, Isaac & De Cicco, New York, N.Y. [Brian J. Isaac] of counsel), for appellant.

Smith Mazure Director Wilkins Young & Yagerman, P.C., New York, N.Y. (Joel M. Simon of counsel), for nonparty-respondents and for defendants National Car Rental System, Inc., and Alamo Rent-A-Car, LLC.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Dabiri, J.), dated June 27, 2006, which denied her cross motion pursuant to CPLR 3025 for leave to amend the complaint to name Alamo Financing, L.P., and ANC Rental Corporation as additional defendants. Application by the plaintiff for leave to appeal to the Court of Appeals, in the event that the order is affirmed.

ORDERED that the order is affirmed, with costs; and it is further,

ORDERED that the plaintiff's application for leave to appeal to the Court of Appeals is granted, and the following question is certified to the Court of Appeals: Was the decision and order of this Court properly made?

February 1, 2008

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RAWLINGS v NATIONAL CAR RENTAL SYSTEM, INC.

Under *Jones v Bill* (34 AD3d 741, *lv granted* 9 NY3d 954), the plaintiff's proposed cause of action against Alamo Financing, L.P., and ANC Rental Corporation is barred by the Graves Amendment (49 USC § 30106), and thus the Supreme Court properly denied the plaintiff's cross motion for leave to amend the complaint to name those two parties as additional defendants.

The plaintiff's remaining contentions are without merit.

PRUDENTI, P.J., CRANE, FISHER and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court