

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

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Submitted - December 17, 2008

PETER B. SKELOS, J.P.  
MARK C. DILLON  
EDWARD D. CARNI  
JOHN M. LEVENTHAL, JJ.

2007-11386

DECISION & ORDER

Jin Mei Liu, et al., appellants, v Yolanda Lamberta,  
respondent.

(Index No. 21387/04)

Michael A. Cervini, P.C. (Lisa M. Comeau, Garden City, N.Y., of counsel), for  
appellants.

Richard T. Lau & Associates, Jericho, N.Y. (Marcella Gerbasi Crewe of counsel), for  
respondent.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal from a judgment of the Supreme Court, Suffolk County (R. Doyle, J.), entered October 25, 2007, which, upon an order of the same court dated August 23, 2007, granting the defendant's motion for summary judgment dismissing the complaint on the ground that the plaintiff Jin Mei Liu did not sustain a serious injury within the meaning of Insurance Law § 5102(d), dismissed the complaint.

ORDERED that the judgment is affirmed, with costs.

The defendant met her prima facie burden of showing that the plaintiff Jin Mei Liu 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 Eycler*, 79 NY2d 955, 956-957). In opposition, the plaintiffs failed to raise a triable issue of fact.

SKELOS, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 20, 2009

JIN MEI LIU v LAMBERTA