

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

D26660
C/kmg

_____AD3d_____

Submitted - March 10, 2010

PETER B. SKELOS, J.P.
MARK C. DILLON
DANIEL D. ANGIOLILLO
RANDALL T. ENG
SANDRA L. SGROI, JJ.

2009-10635

DECISION & ORDER

Seoram Sidhari, appellant, v City of New York,
et al., respondents.

(Index No. 569/08)

Everett J. Petersson, P.C., Brooklyn, N.Y. (Michael A. Serpico of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath, Janet DeLuca, and Susan B. Eisner of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from so much of an order of the Supreme Court, Queens County (Flug, J.), dated September 30, 2009, as denied that branch of his motion which was for summary judgment on the issue of serious injury, with leave to renew upon completion of discovery.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Contrary to the plaintiff's contentions, the Supreme Court properly denied that branch of his motion which was for summary judgment on the issue of serious injury, with leave to renew upon completion of discovery (*see* CPLR 3212[f]).

SKELOS, J.P., DILLON, ANGIOLILLO, ENG and SGROI, JJ., concur.

ENTER:


James Edward Pelzer

March 23, 2010

SIDHARI v CITY OF NEW YORK

Clerk of the Court

March 23, 2010

SIDHARI v CITY OF NEW YORK