

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

D26685
W/prt

_____AD3d_____

Argued - February 18, 2010

JOSEPH COVELLO, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2009-04741

DECISION & ORDER

Kochumman Geevarghese, respondent, v
Edwin J. Shmerler, et al., appellants.

(Index No. 26763/08)

Susan B. Owens, White Plains, N.Y. (Joseph M. Zecca of counsel), for appellants.

Keegan, Keegan, Keegan & Strutt, LLP, White Plains, N.Y. (Barry R. Strutt of counsel), for respondent.

In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Westchester County (Loehr, J.), entered April 8, 2009, which granted the plaintiff's motion for summary judgment on the issue of liability.

ORDERED that the order is affirmed, with costs.

The present action arises from a motor vehicle accident. After joinder of issue, the plaintiff moved for summary judgment on the issue of liability. In support of his motion, the plaintiff established, prima facie, his entitlement to judgment as a matter of law. In opposition, the defendants failed to raise a triable issue of fact (*see generally Alvarez v Prospect Hosp.*, 68 NY2d 320, 324). Accordingly, the Supreme Court properly granted the plaintiff's motion for summary judgment on the issue of liability.

COVELLO, J.P., MILLER, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 30, 2010

GEEVARGHESE v SHMERLER