

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

D27720  
Y/prt

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

Argued - May 10, 2010

MARK C. DILLON, J.P.  
RUTH C. BALKIN  
ARIEL E. BELEN  
PLUMMER E. LOTT, JJ.

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2009-11834

DECISION & ORDER

Sara Tovmasyan, appellant, v New York City  
Transit Authority, et al., respondents.

(Index No. 15522/08)

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Souren A. Israelyan, New York, N.Y., for appellant.

Wallace D. Gossett, Brooklyn, N.Y. (Anita Isola of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Miller, J.), dated November 6, 2009, which denied her motion for summary judgment on the issue of liability.

ORDERED that the order is affirmed, with costs.

Although the plaintiff established, prima facie, her entitlement to judgment as a matter of law on the issue of liability, in opposition, the defendants raised a triable issue of fact. Accordingly, the plaintiff's motion for summary judgment on the issue of liability was properly denied.

DILLON, J.P., BALKIN, BELEN and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 27, 2010

TOVMASYAN v NEW YORK CITY TRANSIT AUTHORITY