

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

D29598
Y/hu

_____AD3d_____

Submitted - December 15, 2010

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2010-07065

DECISION & ORDER

Young Bae Kim, respondent, v Massim M. Salaumeh,
et al., appellants, et al., defendant.

(Index No. 75/09)

Baker, McEvoy, Morrissey & Moskovits, P.C., New York, N.Y. (Stacy R. Seldin of counsel), for appellants.

Sim & Park, LLP, New York, N.Y. (Sang J. Sim of counsel), for respondent.

In an action to recover damages for personal injuries, the defendants Massim M. Salaumeh and R&F Limousine appeal from an order of the Supreme Court, Queens County (McDonald, J.), dated June 24, 2010, which denied their motion for summary judgment dismissing the complaint insofar as asserted against them on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d).

ORDERED that the order is affirmed, with costs.

Under the circumstances of this case, the Supreme Court properly denied the appellants' motion for summary judgment dismissing the complaint insofar as asserted against them on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d).

MASTRO, J.P., FLORIO, DICKERSON, BELEN and LOTT, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

December 28, 2010

YOUNG BAE KIM v SALAUMEH