

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

D35465
C/kmb

_____AD3d_____

Argued - May 31, 2012

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2010-04335

DECISION & ORDER

Jie Li, et al., appellants, v Triboro Coach Corporation,
et al., respondents.

(Index No. 19145/06)

The Flomenhaft Law Firm, PLLC, New York, N.Y. (Benedene Cannata of counsel),
for appellants.

McGaw, Alventosa & Zajac, Jericho, N.Y. (James K. O'Sullivan of counsel), for
respondents Triboro Coach Corporation and Marjorie R. Johnson.

Martyn, Toher & Martyn, Mineola, N.Y. (Joseph S. Holotka of counsel), for
respondent Richard Pirrera.

In an action to recover damages for personal injuries, the plaintiffs appeal from a
judgment of the Supreme Court, Queens County (Orlikoff-Flug, J.), entered March 29, 2010, which,
upon a jury verdict finding that the plaintiff Jie Li did not sustain a serious injury within the meaning
of Insurance Law § 5102(d), is in favor of the defendants and against them dismissing the complaint.

ORDERED that the judgment is affirmed, with one bill of costs to the respondents
appearing separately and filing separate briefs.

Contrary to the plaintiffs' contentions on appeal, the jury's finding that the plaintiff
Jie Li did not sustain a serious injury under the fracture or the 90/180-day category of Insurance Law
§ 5102(d) as a result of the subject accident was not contrary to the weight of the evidence (*see Lolik
v Big V Supermarkets*, 86 NY2d 744; *Nicastro v Park*, 113 AD2d 129).

June 27, 2012

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The plaintiffs' remaining contentions are without merit.

RIVERA, J.P., ENG, LOTT and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court