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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 251 SSM 24
Robert K. Monette et al.,
Appellants,
v.
Christina L. Trummer, et al.,
Defendants,
Jim Ball Pontiac-Buick-GMC, Inc.,
Respondent.

Submitted by Jeffrey A. Black, for appellants.
Submitted by Christopher R. Turner, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs.

On these facts, we agree with the Appellate Division
majority that defendant dealer satisfied its initial burden of

proving that it was not an owner of the vehicle in question under Vehicle and Traffic Law § 128. Plaintiffs failed to raise a genuine issue of fact to support a contrary finding.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

Decided October 22, 2013