

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**433**

**CA 24-01245**

PRESENT: WHALEN, P.J., CURRAN, SMITH, DELCONTE, AND HANNAH, JJ.

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JOHN M. GALLT, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ROBERT A. NELK AND RAMAKRISHNA YARLAGADDA,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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WILLIAM MATTAR, P.C., ROCHESTER (MATTHEW J. KAISER OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

PENINO & MOYNIHAN LLP, WHITE PLAINS (MELISSA L. VINCTON OF COUNSEL),  
FOR DEFENDANT-RESPONDENT ROBERT A. NELK.

CARMAN, CALLAHAN & INGHAM, LLP, FARMINGDALE (JONATHAN D. SILVERSTEIN  
OF COUNSEL), FOR DEFENDANT-RESPONDENT RAMAKRISHNA YARLAGADDA.

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Appeal from an order of the Supreme Court, Herkimer County (Mark R. Rose, J.), entered July 3, 2024 in a personal injury action arising from a motor vehicle accident. The order denied in part the motion of plaintiff for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Gallt v Nelk* ([appeal No. 2] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn  
Clerk of the Court