

Downey v Falcone

2019 NY Slip Op 34291(U)

June 21, 2019

Supreme Court, Monroe County

Docket Number: Index No. E2018005098

Judge: James J. Piampiano

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

CLEVIS DOWNEY, X

ORDER

Plaintiff,

v.

Index No. E2018005098

PAULA FALCONE,

Defendant.

X

The defendant, by her attorney, Tiffany L. D'Angelo, Esq., having duly moved for an order granting summary judgment and dismissing the complaint in favor of the defendant on the grounds that defendant was not negligent in causing the subject accident and plaintiff's negligence was the sole proximate cause of the accident,

AND, plaintiff, by his attorney, K. John Wright, Esq., having duly cross-moved for an order granting summary judgment in favor of the plaintiff on the issues of negligence, proximate cause, serious injury, and excess of Basic Economic Loss (BEL),

Now, upon reading the notice of motion dated March 20, 2019 with the affirmation with exhibits of Tiffany L. D'Angelo, Esq. in support of the motion, affirmed on March 20, 2019, and the notice of cross motion dated April 10, 2019 with the affirmation with exhibits of K. John Wright, Esq. in support of the cross motion, affirmed on April 10, 2019, the attorney affirmation in opposition with exhibits of Tiffany L. D'Angelo, Esq., affirmed on May 1, 2019, and the attorney reply affirmation of K. John Wright, Esq., affirmation on May 14, 2019, it hereby is

ORDERED, that motion of defendant PAULA FALCONE on the issue of negligence is hereby DENIED, and it is further

ORDERED, that the cross-motion of plaintiff CLEVIS DOWNEY on the issue of negligence and proximate cause is hereby DENIED, and it is further

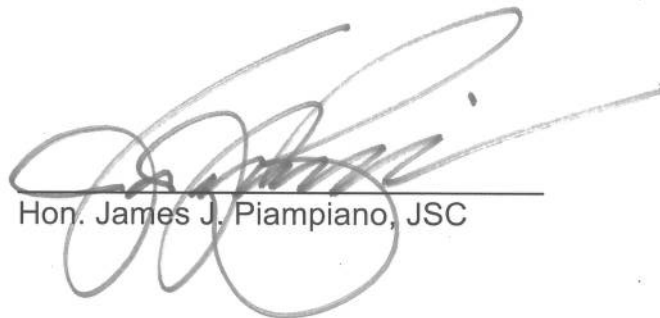
ORDERED, that the cross-motion of plaintiff CLEVIS DOWNEY on the issue of serious injury is hereby DENIED, and it is further

ORDERED, that the cross-motion of the plaintiff CLEVIS DOWNEY on the issue of excess of BEL is hereby reserved, and it is further

ORDERED that this order may be filed without the necessity of attaching any other papers to it.

Dated: June 21, 2019

JP



Hon. James J. Piampiano, JSC