

**Ramjattan v Metropolitan Transp. Auth.**

2024 NY Slip Op 35033(U)

November 20, 2024

Supreme Court, Queens County

Docket Number: Index No. 706597/2020

Judge: Chereé A. Buggs

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Short Form Order

NEW YORK SUPREME COURT-QUEENS COUNTY

Present: **HONORABLE CHEREÉ A. BUGGS**  
Justice

IAS PART 30

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SAMDAI RAMJATTAN,

Index No.: 706597/2020

Motion Date: 9/16/2024

Plaintiff,

Motion Cal. No.: 26

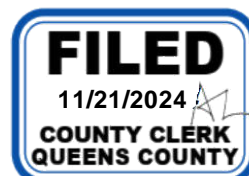
-against-

Motion Sequence No.: 2

METROPOLITAN TRANSPORTATION AUTHORITY  
BUS COMPANY, CITY OF NEW YORK and JANE DOE  
(BUS DRIVER),

Defendants.

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The following efiled papers numbered 41-45, 47-51 submitted and considered on this motion by Plaintiff Samdai Ramjattan (hereinafter Ramjattan), seeking an order pursuant to CPLR §3212 granting summary judgment to Ramjattan, on the issue of liability against the defendants Metropolitan Transportation Authority Bus Company (hereinafter MTA), City of New York (hereinafter the City, or collectively as Defendants), and Jane Doe.

This Court notes that the caption of this motion includes the bus driver Jane Doe, however, in the affirmations the bus driver is identified as Shelly Ann Barllete. Hence, this Court finds it proper to amend the caption here for judicial efficiency. Ramjattan’s motion is granted.

Papers  
Numbered

Notice of Motion-Affirmation in Support-Affidavits-Exhibits.....	EF 41-45, 47-48
Affirmations in Opposition-Affidavits-Exhibits.....	EF 49
Affirmation in Reply-Affidavits-Exhibits.....	EF 50-51

**Relevant Factual and Procedural Background**

This case arises from a motor vehicle incident that occurred on May 4, 2019, involving Plaintiff Samdai Ramjattan, who was a passenger on MTA bus #7447, driven by Defendant Shelly Ann Barllete. The incident took place on the eastbound Grand Central Parkway, approaching Exit 4, in Queens, New York, at approximately 6:30 p.m. The bus, operated by Barllete, was traveling

in the right lane when it reportedly came to a sudden and abrupt stop. Ramjattan claims that this unexpected stop caused her, along with several other passengers, to be violently thrown forward. According to Ramjattan, she was propelled into the front interior of the bus and subsequently struck by other passengers who were also impacted by the sudden stop. As a result, she alleges she sustained serious injuries requiring multiple surgeries.

Ramjattan asserts that Barllete, acting as an employee of MTA, was following the vehicle in front of the bus too closely given the traffic conditions, and was therefore forced to make an abrupt stop to avoid a rear-end collision. She further contends that the bus was traveling at an unsafe speed and that the sudden braking was a result of Barllete's failure to maintain a prudent distance from the vehicle ahead. Ramjattan claims that the actions of Barllete and MTA in operating the bus in such a manner constituted negligence, directly leading to her injuries. In support of her claims, Ramjattan has submitted video footage from the bus's recording system, which was provided by MTA during the discovery process. This footage reportedly captures the events leading up to, and including, the sudden stop, with multiple camera angles depicting both the interior of the bus and the road ahead. Ramjattan argues that this video evidence substantiates her account, showing the bus traveling closely behind a white SUV in stop-and-go traffic and the subsequent abrupt stop that caused multiple passengers, including herself, to fall or be thrown forward.

Ramjattan initiated this action on August 25, 2020, by serving a Summons and Complaint, in which she seeks damages for the injuries allegedly sustained due to the negligence of Barllete and MTA. Defendants responded by serving an Answer on September 18, 2020, disputing the claims and liability. During the discovery phase, video footage from the bus, which includes seven different camera angles, was produced by MTA and authenticated by both parties as accurately representing the events in question. On June 26, 2024, Ramjattan filed a Note of Issue and Certificate of Readiness, asserting that discovery was complete, and subsequently moved for summary judgment on the issue of liability. In her motion, Ramjattan contends that the video footage, along with her account of the incident, provides incontrovertible evidence that the stop was unreasonably sudden and violent, constituting negligence on the part of Barllete and MTA. She asserts that Barllete's actions violated Vehicle & Traffic Law § 1129(a), which requires drivers to follow other vehicles at a safe distance, considering speed, traffic, and road conditions. According to Ramjattan, Barllete's failure to maintain a prudent distance given the stop-and-go traffic conditions caused the abrupt stop, leading to her injuries and those of other passengers.

In opposition to the motion, MTA argues that Ramjattan has not met her burden for summary judgment and disputes the characterization of the stop as unusually violent. They contend that the video does not show an abnormal or unsafe stop, instead depicting what they claim is a typical reaction in stop-and-go traffic. According to MTA, the video evidence does not establish that the bus stop was "violent" or unusual, noting that only a few passengers, including Ramjattan, fell. MTA asserts that the incident may have involved a "domino effect" caused by other passengers losing their balance, which they argue does not demonstrate that the stop itself was of an unusually violent nature. They further argue that, due to the bus's minimal effect on unsecured luggage and most passengers remaining unaffected, the stop cannot be deemed extraordinary.

Additionally, MTA challenges Ramjattan's claim that Barllete was following too closely to the vehicle in front of the bus. They contend that the video shows Barllete maintaining an adequate distance from the vehicle ahead and adjusting the bus's speed in response to the surrounding traffic conditions. MTA asserts that Barllete was traveling at a low speed and maintained an appropriate distance before the bus came to a complete stop in response to traffic conditions, arguing that the evidence does not indicate any violation of the duty to follow at a safe distance.

After receiving MTA's opposition, Ramjattan submitted a reply affirmation. She disputes MTA's interpretation of the video evidence, emphasizing that the footage clearly depicts the bus traveling closely behind the white SUV at a speed she argues was excessive under the circumstances. Ramjattan maintains that Barllete's braking was unusually abrupt, resulting in a stop of such force that multiple passengers were thrown forward, which she contends is consistent with her account of an "unusual and violent" stop. She also addresses MTA's claims about a "domino effect," arguing that the footage does not support this theory, as several passengers, including herself, fell directly due to the sudden stop rather than as a result of other passengers' actions.

Ramjattan also argues that MTA's assertion regarding the bus maintaining a reasonable speed and following distance contradicts Barllete's deposition testimony. In that testimony, Barllete initially claimed that a vehicle had attempted to merge in front of the bus, causing her to brake suddenly, which Ramjattan disputes based on the video evidence. She contends that this inconsistency in MTA's defense further supports her motion for summary judgment, as it suggests a lack of credible defense regarding the cause of the abrupt stop.

Now, Ramjattan requests that the court grant summary judgment on the issue of liability, arguing that the evidence, particularly the video footage, demonstrates that the Defendants' actions were negligent and directly responsible for her injuries. MTA, in opposition, contends that material issues of fact remain, warranting a denial of the motion and requiring a trial to resolve these issues.

### **Law and Application**

Vehicle and Traffic Law § 1129(a) provides:

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

CPLR §3212 provides:

(a) Time; kind of action. Any party may move for summary judgment in any action, after issue has been joined; provided however, that the court may set a date after which no such motion may be made, such date being no earlier than thirty days after the filing of the note of issue. If no such date is set by the court, such motion shall be made no later than one hundred twenty days after the filing of the note of issue, except with leave of court on good cause shown.

(b) Supporting proof; grounds; relief to either party. A motion for summary judgment shall be supported by affidavit, by a copy of the pleadings and by other available proof, such as depositions and written admissions. The affidavit shall be by a person having knowledge of the facts; it shall recite all the material facts; and it shall show that there is no defense to the cause of action or that the cause of action or defense has no merit. Where an expert affidavit is submitted in support of, or opposition to, a motion for summary judgment, the court shall not decline to consider the affidavit because an expert exchange pursuant to subparagraph (i) of paragraph (1) of subdivision (d) of section 3101 was not furnished prior to the submission of the affidavit. The motion shall be granted if, upon all the papers and proof submitted, the cause of action or defense shall be established sufficiently to warrant the court as a matter of law in directing judgment in favor of any party. Except as provided in subdivision (c) of this rule the motion shall be denied if any party shall show facts sufficient to require a trial of any issue of fact. If it shall appear that any party other than the moving party is entitled to a summary judgment, the court may grant such judgment without the necessity of a cross-motion...

“The proponent of a motion for summary judgment must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the absence of any material issues of fact from the case” (*see Rev 5, LLC v Congregation Beth Elohim*, 229 AD3d 820, 822 [2d Dept 2024]; citing *Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]; *Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985]; *see also Bazdaric v Almah Partners LLC*, 41 NY3d 310, 316 [2024]). “Once such a showing is made, the burden shifts to the party opposing the motion to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action” (*see Id* at 822; citing *Alvarez v Prospect Hosp.*, 68 NY2d at 324 [1986]; *Zuckerman v City of New York*, 49 NY2d 557, 562 [1980]).

First, this Court finds that Ramjatten failed to establish prima facie that Defendants violated

VTL §1129. Although the video contradicts with Barllete's testimony that a vehicle was cutting her off when the accident happened, it also shows that when the SUV in front of the bus stopped, the bus was traveling at around 20 miles per hour, and there are about two car lengths of space between the bus and the SUV. Furthermore, the bus did not collide with the SUV, instead, it reached a complete stop before the collision happened.

“To establish a prima facie case of negligence against a common carrier for injuries sustained by a passenger when the vehicle comes to a halt, the plaintiff must establish that the stop caused a jerk or lurch that was unusual and violent, rather than merely one of the sort of jerks and jolts commonly experienced in city bus travel” (see *Stark v New York City Tr. Auth.*, 203 AD3d 776, 777 [2d Dept 2022]; citing *Urquhart v New York City Tr. Auth.*, 85 NY2d 828, 829-830 [1995]; *Mayorga v Nassau Inter-County Express (Nice) Bus*, 178 AD3d 1030, 1031 [2d Dept 2019]; see also *Orji v MTA Bus Co.*, 204 AD3d 1027, 1028 [2d Dept 2022]). However, “[p]roof that the stop was unusual or violent must consist of more than a mere characterization of the stop in those terms by the plaintiff” (see *Id* at 776; citing *Urquhart v New York City Tr. Auth.*, 85 NY2d at 830; *Mayorga v Nassau Inter-County Express (Nice) Bus*, 178 AD3d at 1031 [2d Dept 2019]; see also *Orji v MTA Bus Co.*, 204 AD3d 1027, 1028 [2d Dept 2022]). “There must be objective evidence of the force of the stop sufficient to establish an inference that the stop was extraordinary and violent” (see *Id* at 776; citing *Gioulis v MTA Bus Co.*, 94 AD3d 811, 812 [2d Dept 2012]; *Urquhart v New York City Tr. Auth.*, 85 NY2d at 830 [1995]; see also *Orji v MTA Bus Co.*, 204 AD3d 1027, 1028 [2d Dept 2022]).

Ramjattan claims that the stop of the bus caused a violent and unusual jerk or lurch that is not commonly experienced in city bus travel. Ramjattan's arguments hinge upon the video submitted (EF 48) via hard copy submission. After reviewing the video and the deposition transcript in the records, this Court finds that Ramjattan established prima facie, with objective video evidence, that the stop caused a jerk or lurch that was unusual and violent, rather than merely one of the sorts of jerks and jolts commonly experienced in city bus travel. The video shows multiple different angles of the accident, it shows that the accident happened roughly between 4:52:57 P.M. on May 4, 2019, and 4:53:00 P.M., within a 3 second period. One of the angles shows that at least four other passengers also fell near the front gate of the bus, the manner that they fell indicates a violent and unusual momentum force when the bus decelerates. Even though the bus was packed to the brim and there are not many spaces for the other passengers to fall, it can still be observed that their bodies were pushed forward by the same force. Another passenger was shown to fall from the elevated part of the bus (towards the back) and was thrown to the ground that is lowered and closer to the middle part of the bus. The entire fall from when this passenger was still standing to when she is on the ground happened in less than a second, the other passengers close to her tried to grab her to no avail due to the sudden nature of her being jolted, again showing a more than normal force of momentum when the bus decelerates. Moreover, the tracker for the speed of the bus in the video shows that at 16:52.58.296, the speed of the bus was traveling at 20 miles per hour, and at 16.53.00, less than 2 seconds later, the bus is at a complete stop. This again demonstrated the violent nature of the deceleration, and the force of the momentum at the time of the accident. Unlike in *Stark* and *Orji*, where the testimony of the plaintiff in that case and the evidence in record there does not show that the movement of the bus was “unusual and violent”,

it is beyond cavil here that the jerk or lurch is not one of the sorts of jerks and jolts commonly experienced in city bus travel, and is unusual and violent, causing Ramjattan injuries.

In opposition, the defendants failed to raise a triable issue of fact. Contrary to the Defendants contentions, one of the luggage bags did topple over due to the momentum from the deceleration of the bus. The Defendants argument that the “domino effect” causes Ramjattan to fall instead of the stop is without merit. Based on a viewing of the video, the passengers close to the front gate, including Ramjattan, fell not because of other people falling on them, but because the deceleration of the bus was so violent and the momentum so strong, that the passengers, including Ramjattan were all thrown to the area next to the bus driver, and fell into each other at the same time. Furthermore, as stated above, the manner in which the passenger fell in the back of the bus, as well as how the bus decelerated from 20 miles per hour to 0 miles per hour under 2 seconds, still shows that these jerks and jolts is in no way “commonly experienced in city bus travel”. Accordingly, it is hereby

**ORDERED**, that the motion by Ramjattan for partial summary judgment on the issue of liability is **granted**; and it is further

**ORDERED**, that the caption of this action is amended as follows:

-----X Index No.: 706597/2020  
SAMDAI RAMJATTAN,

Plaintiff,

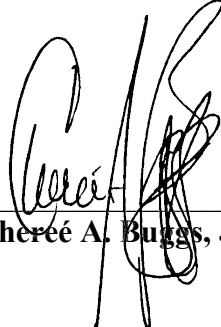
-against-

METROPOLITAN TRANSPORTATION AUTHORITY  
BUS COMPANY, CITY OF NEW YORK and SHELLY  
ANN BARLLETE,

Defendants.

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Dated: November 20, 2024

  
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Hon. Chereé A. Buggs, JSC

