

Ozorio v Amazon Logistics Inc.

2025 NY Slip Op 34520(U)

November 24, 2025

Supreme Court, New York County

Docket Number: Index No. 150753/2022

Judge: James G. Clynes

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

affidavits by the defendant driver and another employee of defendant authenticating the video, established defendant Amazon Logistics Inc.'s prima facie entitlement to summary judgment as a matter of law in its favor and dismissal of the Complaint against it.

Defendant driver Jeremiah Perez avers that at the time of the accident he was operating a Dodge motor vehicle as an employee of Portmore Delivery Service and that as seen in the video defendant's vehicle stayed within its lane of traffic (the middle lane of three lanes of traffic) until another vehicle traveling in the right lane of traffic entered into the lane of traffic occupied by defendant's vehicle from the left, made contact with the right side of defendant's vehicle and pushed defendant's vehicle into the left lane of traffic and left the scene.

While the video clearly shows the unidentified vehicle in the right lane of traffic, indicating right as if it were going to take the exit and then suddenly entering into defendant's lane of traffic from the right and pushing defendant's vehicle into the left lane where the contact between plaintiff's vehicle and defendant's vehicle occurred off camera. The video does not show the contact between plaintiff's vehicle and defendant's vehicle because that contact occurred at the rear of defendant's vehicle after it was pushed into the left lane of traffic where plaintiff's vehicle was traveling.

The affidavit of Ian Bailey, an employee of Portmore delivery who authenticates the video recording of the accident states that Portmore provides delivery services for Amazon Logistics and that the vehicles used for those deliveries are leased and that some of the vehicles are equipped with cameras that record and save footage.

Defendant driver Jeremiah Perez avers that at the time of the accident he was working as a delivery associate for Portmore Delivery Service and driving within the speed limit and the vehicle was in good repair and that there was no problem with the vehicle's brakes. Perez averred that he reviewed the video that he understands is attached as an exhibit to the Bailey affidavit and that as seen in the video he remained within his lane of traffic at all times as seen in the video recording until, as seen in the video, another vehicle that was traveling in the right lane of traffic entered into defendant's lane of traffic (the middle lane) from the right lane and pushed defendant's vehicle left into the left lane of traffic where contact occurred between plaintiff's vehicle and the defendant's vehicle. The contact between plaintiff's vehicle and the defendant's vehicle is not seen in the dashboard camera video attached as an exhibit to defendant's motion.

The attached video provides a dashboard view of the accident from Defendant's vehicle. The video clearly shows defendant's vehicle traveling straight in the middle lane of three lanes of traffic and another vehicle in the right lane indicating right as if it were going to take the exit and then veering left into the front right side of the defendant's vehicle and pushing the defendant's vehicle into the left lane of traffic defendant's vehicle stopped and where the contact between plaintiff's vehicle and defendant's vehicle occurred out of view of the dashboard camera in defendant's vehicle. The video also shows that the vehicle that struck defendant's vehicle from the right side in the middle lane and pushed defendant's vehicle into the left lane left the scene without stopping.

Plaintiff's attorney affirmation in opposition contends that defendant's motion should be denied as premature because depositions have not yet been held but does not set forth what issues of fact might be raised by depositions of the defendant driver and plaintiff. The video clearly shows a non-party vehicle entering into defendant's lane of traffic from the right and pushing defendant's vehicle left into the left lane of traffic where plaintiff's vehicle was traveling and where the contact between defendant's vehicle and plaintiff's vehicle occurred. The video clearly shows that defendant's vehicle is not responsible for the contact between plaintiff's vehicle and defendant's vehicle.

There is nothing defendant driver could have done to avoid being pushed into plaintiff's lane of traffic where the contact occurred between plaintiff's vehicle and defendant's vehicle. There is no evidence that defendant's vehicle is liable for the contact between defendant's vehicle and the non-party vehicle or for the contact between defendant's vehicle and the plaintiff's vehicle. Defendant's motion is granted and the Complaint is dismissed against Defendant Amazon Logistics, Inc.

Plaintiff's cross-motion to consolidate and to amend

Because Defendant's motion for summary judgment in its favor and dismissal of the complaint against it has been granted, Plaintiff's cross-motion to consolidate this action (Action #1) with the related action *John Ozorio v Portmore Delivery Service Corp, and John Doe*, pending in this court under Index Number 153352/2023 (Action #2) and to amend the caption to add the name of the defendant driver Jeremiah Perez in place and stead of defendant "John Doe," is denied as moot. Accordingly it is

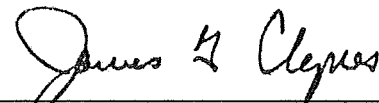
ORDERED that the motion of defendant Amazon Logistics Inc. for summary judgment and dismissal of the complaint herein is granted and the complaint is dismissed in its entirety as against said defendant, and the Clerk of the Court is directed to enter judgment accordingly; and it is further

ORDERED that the cross-motion by plaintiff to consolidate this action (Action #1) with the related action *John Ozorio v Portmore Delivery Service Corp, and John Doe*, pending in this court under Index Number 153352/2023 (Action #2) and to amend the caption to add the name of the defendant driver Jeremiah Perez in place and stead of defendant "John Doe," is denied as moot.

This constitutes the Decision and Order of the Court.

11/24/2025

DATE



JAMES G. CLYNES, J.S.C.

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE