

**Roman v Liaqat**

2026 NY Slip Op 30312(U)

January 14, 2026

Supreme Court, New York County

Docket Number: Index No. 151572/2021

Judge: Christopher Chin

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

HON. CHRISTOPHER CHIN

PART

22

Justice

MARIO ROMAN,
-----X

INDEX NO. 151572/2021

MARIO ROMAN,

MOTION DATE 07/20/2024

Plaintiff,

MOTION SEQ. NO. 002

- v -

MUHAMMAD LIAQAT,

DECISION + ORDER ON
MOTION

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52

were read on this motion to/for

JUDGMENT - SUMMARY

Upon the foregoing documents, the motion by Defendant Muhammad Liaqat for summary judgment, pursuant to CPLR 3212, and to dismiss Plaintiff Mario Roman's complaint on the grounds that Plaintiff cannot meet the serious injury threshold under Insurance Law 5104 (a) and 5102 (d) is decided as explained below.

Plaintiff seeks recovery for injuries allegedly sustained as a result of an August 7, 2019 motor vehicle accident between a vehicle owned and operated by Plaintiff and a vehicle owned and operated by Defendant Liaqat, at or near East 7th Street's intersection with Avenue C, in New York County.

Plaintiff's Bill of Particulars alleges that he sustained orthopedic injuries to his back, including disc herniations and bulges in both the cervical and lumbar spine. As a result of these injuries, Plaintiff underwent a surgical procedure specifically, fluoroscopically guided injections between the L5-S1 spinous processes on February 14, 2020. He further alleges that he suffered severe pain, swelling, and tenderness in the lumbar spine, which predisposed him to adjacent segment degeneration. Plaintiff claims that he is no longer able to sit or stand for extended periods and can no longer dance, run, walk upright, or ascend inclines.

In support of his motion for summary judgment, Defendant relies on the report by Dr. Salvatore Corso, an orthopedic surgeon, of his exam of plaintiff on March 21, 2023, and plaintiff's own verified pleadings.

Dr. Corso measured Plaintiff's range of motion with a goniometer and compared normal active range of motion values according to AMA Guidelines. He noted a normal range of motion and negative orthopedic tests as to plaintiff's cervical spine and lumbar spine. Dr. Corso determined that plaintiff's cervical spine sprain and lumbar spine sprain had resolved. Dr. Corso concluded that plaintiff did not sustain any significant or permanent injuries as a result of the subject motor vehicle accident. He reported that there are no objective clinical findings indicative of a present disability, functional impairment, which prevents plaintiff from engaging in activities of daily living, and usual activities including work, school, and hobbies.

Defendant also relies on the following testimony of plaintiff in support of the motion: he was self-employed at the time of the accident as a non-licensed cab driver who received fare requests by phone; he was not able to continue working as a driver because of the pain in his neck and back, but no doctor told him to stop working or to work less; he was confined to his bed or home when he is in a lot of pain, which is dependent on the weather; and

that he sought treatment a few days after the accident and went to a physical therapist for eight (8) months.

“The proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to eliminate any material issues of fact from the case” (*Winegrad v New York University Med. Ctr.*, 64 NY2d 851,853 [1985]). Only if movant satisfies this standard does the burden shift to the non-moving party to rebut movant's prima facie showing, by producing admissible evidence sufficient to require a trial of material issues of fact as to whether a serious injury was sustained as a result of the subject accident (*Knoll v Seafood Express*, 5 NY3d 817, 818 [2005]). Once this showing has been made, the burden shifts to the non-moving party to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact that require a trial for resolution (*Licari v Elliott*, 57 NY2d 230, 239 [1982]).

A party seeking damages for pain and suffering arising out of a motor vehicle accident must establish that he or she has sustained at least one of the categories of "serious injury" as set forth in Insurance Law § 5102 (d). According to Insurance Law § 5102 (d), a serious injury:

“means a personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person’s usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence of the injury or impairment.”

“In determining a motion for summary judgment where the issue is whether [the] plaintiff has sustained a serious injury defined by Insurance Law § 5102 (d), the defendant bears the initial burden to present competent evidence that the plaintiff has no cause of action” (*Brown v Achy*, 9 AD3d 30, 31 [1st Dept 2004]).

Here, Defendant failed to meet his burden to establish that plaintiff did not sustain a medically determined injury or impairment of a non-permanent nature which prevented the plaintiff from performing substantially all of the material acts which constitute his usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence (*see* Ins. Law 5102 [d]). The report by Dr. Corso that plaintiff’s complaints have resolved may have been sufficient to establish that plaintiff did not sustain a permanent loss of use of a body organ, member, function or system, or a permanent consequential limitation of use of a body organ or member, however, the report is not relevant-sufficient to show how that plaintiff was not substantially limited in his usual and customary daily activities during the first one hundred eighty days after the accident.

As the movant failed to meet his prima facie burden, the court need not consider plaintiff’s opposition (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985] [a movant’s failure to make a prima facie showing requires denial of the motion, regardless of the sufficiency of the opposing papers]).

Accordingly, it is

ORDERED that the motion by Defendant Muhammad Liaqat for summary judgment dismissing Plaintiff Mario Roman’s complaint on the grounds that plaintiff cannot meet the serious injury threshold under Insurance Law 5104 (a) and 5102 (d) is denied.

All other requested relief not expressly addressed herein has been considered and is hereby denied.

This constitutes the decision and order of the court.

1/14/2026  
DATE

  
CHRISTOPHER CHIN, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	DENIED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>		<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>		<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE