

Quintyne v Zlotskiy

2026 NY Slip Op 31298(U)

March 17, 2026

Supreme Court, Kings County

Docket Number: Index No. 515396/2023

Judge: Richard J. Montelione

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At IAS Part 99 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, NY 11201, on the 17th day of March 2026.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: PART 99

**DECISION
and
ORDER**

-----X
JOSHUA QUINTYNE,

Plaintiff,

-against-

VLADIMIR ZLOTSKIY,

Defendant.
-----X

Index No.: 515396/2023
Mot. Seq. No.: 1

After oral argument, the following papers were read on this motion pursuant to CPLR 2219(a):

Papers	NYSCEF DOC. #
Summons & Verified Complaint	1
Answer	2
Defendant’s Notice of Motion for Summary Judgment pursuant to C.P.L.R. 3211(a)(7) and 3212 dismissing the complaint and granting summary judgment to the moving Defendant Vladimir Zlotskiy, and for such other and further relief as the Court may deem just and proper/Rebecca S. Casas, Esq., Supporting Affirmation/Defendant’s Supporting Affirmation/Exhibits A-G.....	17-25
Plaintiff Kevin D. Gratt, Esq.’s Answering Affirmation/Exhibit a	28-29
Defendant Rebecca S. Casas, Esq., Reply Affirmation.....	30

MONTELIONE, RICHARD J., J.

This action was commenced on May 24, 2023, with the filing of the summons and verified complaint with the Kings County Clerk (NYSCEF Doc No. 1). Plaintiff Joshua Quintyne brings this action against defendant Vladimir Zlotskiy seeking to recover damages for personal injuries and property damage arising from a motor vehicle collision that allegedly occurred on or about October 8, 2022, at Woodhull Street at or near its intersection with Hamilton Avenue in Kings County, New York (NYSCEF Doc No. 1, ¶¶ 3-6). The verified complaint asserts two causes of action: (1) a claim for personal injuries sustained by plaintiff as a result of defendant's alleged negligence in the operation, ownership, maintenance, and control of his motor vehicle, and (2) a claim for property damage to plaintiff's vehicle (NYSCEF Doc No. 1, ¶¶ 12-19).

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Defendant Vladimir Zlotskiy filed his answer on July 21, 2023 (NYSCEF Doc No. 2). Issue is joined.

Defendant moves, pursuant to CPLR §§ 3211(a)(7) and 3212, for an order dismissing the complaint and granting summary judgment in his favor, together with such other and further relief as the Court may deem just and proper (NYSCEF Doc No. 17).

BACKGROUND

On the afternoon of October 8, 2022, a motor vehicle accident occurred at the intersection of Hamilton Avenue and Woodhull Street in Brooklyn, New York (NYSCEF Doc No. 25, ¶ 2). At this intersection, there is a stop sign controlling traffic on Woodhull Street, whereas there is no stop sign on Hamilton Avenue, and traffic on Hamilton Avenue has the right of way (NYSCEF Doc No. 25, ¶ 3). Hamilton Avenue is a one-way street with three lanes for moving traffic, and immediately before the accident defendant Vladimir Zlotskiy was operating his vehicle in the middle lane, with parked cars situated to the right side of Hamilton Avenue (NYSCEF Doc No. 25, ¶ 4). The intersection is configured in a V-shape, with Woodhull Street intersecting Hamilton Avenue at a sharp angle such that vehicles traveling on Hamilton Avenue pass through the intersection while vehicles approaching from Woodhull Street come from behind and to the right (NYSCEF Doc No. 25, ¶ 5). Immediately before the collision, defendant states that he heard the engine of plaintiff's vehicle revving to his right and reacted by pressing his brake, but there was only approximately a second between the sound of the revving engine and the impact (NYSCEF Doc No. 25, ¶ 6). According to defendant, the front right corner of his vehicle contacted the side of plaintiff's vehicle due to the angle of the intersection (NYSCEF Doc No. 25, ¶ 7). Defendant further avers that the sound of the engine revving and the impact occurred almost instantaneously, that he had no time to react to avoid the accident, and that there was nothing he could have done to prevent the collision (NYSCEF Doc No. 25, ¶ 8).

Plaintiff opposes the motion on the ground that defendant has failed to make a prima facie showing of entitlement to summary judgment because the record does not eliminate issues of fact. (NYSCEF Doc No. 28, ¶¶ 2-3). Plaintiff relies on his deposition testimony that he twice stopped at the stop sign on Woodhull Street, looked left and right on each occasion, saw no oncoming traffic, and then proceeded into the intersection where the middle and rear of the driver's side of his vehicle were struck by the front of defendant's vehicle, as well as defendant's testimony that he did not see plaintiff's vehicle before impact despite traveling in the middle lane at about twenty miles per hour and not looking down any side streets, to argue that triable issues exist as to whether defendant failed to keep a proper lookout and whether such negligence contributed to the collision (NYSCEF Doc No. 18, ¶¶ 5-7; NYSCEF Doc No. 28, ¶¶ 3, 5-9).

LEGAL ANALYSIS

Defendant moves for summary judgment dismissing the complaint on the ground that the record establishes, as a matter of law, that he was proceeding lawfully with the right of way on Hamilton Avenue and did nothing negligent to cause the accident (NYSCEF Doc No. 18, ¶¶ 1, 4, 7; NYSCEF Doc No. 30, ¶¶ 1, 3-4).

Defendant argues that plaintiff's testimony that he never saw defendant's vehicle before impact and could not recall his speed, together with defendant's own testimony that he was

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traveling approximately twenty miles per hour with the right of way and had only about a second between hearing plaintiff's engine rev and the impact, establishes that there is no admissible proof of any negligence by defendant and that no reasonable jury could find him at fault (NYSCEF Doc No. 18, ¶¶ 5-7; NYSCEF Doc No. 25, ¶¶ 2-9; NYSCEF Doc No. 30, ¶¶ 3-4).

Plaintiff opposes the motion and contends that defendant has not eliminated triable issues of fact because plaintiff's testimony that he twice stopped at the stop sign on Woodhull Street, carefully looked left and right, saw no vehicles, and then proceeded into the intersection only to have the middle and rear of his driver's side struck by the front of defendant's vehicle, combined with defendant's admission that he never saw plaintiff's car before impact despite traveling in the middle lane and not looking down any side streets, permits a reasonable inference that defendant failed to keep a proper lookout and that such negligence contributed to the collision. (NYSCEF Doc No. 18, ¶¶ 5-7; NYSCEF Doc No. 28, ¶¶ 3, 5-9).

Plaintiff argues that these conflicting accounts concerning the parties' observations, reaction times, and ability to avoid the collision preclude summary judgment and require that the motion be denied so that a fact finder may resolve the credibility and negligence issues (NYSCEF Doc No. 28, ¶¶ 2-3, 5-9).

APPLICABLE LAW AND ANALYSIS

The well-known standards to be applied by the trial courts regarding motions for summary judgment are found in *Ayers v City of Mount Vernon*, 176 AD3d 766 [2d Dept 2019]:

“[T]he 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 demonstrate the absence of any material issues of fact” (*Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]; *Winegrad v New York Univ. Med. Ctr.*, 64 NY2d851, 853 [1985]; see *Zuckerman v City of New York*, 49 NY2d 557, 562 [1980]). “Failure to make such prima facie showing requires a denial of the motion, regardless of the sufficiency of the opposing papers” (*Alvarez v Prospect Hosp.*, 68 NY2d at 324; see *Winegrad v New York Univ. Med. Ctr.*, 64 NY2d at 853). “Once this showing is made, however, the burden shifts to the party opposing the motion for summary judgment to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action” (*Alvarez v Prospect Hosp.*, 68 NY2d at 324; see *Zuckerman v City of New York*, 49 NY2d at 562).

The motion for summary judgment is denied because defendant has not met his prima facie burden. The record, viewed in the light most favorable to plaintiff as the nonmovant, reveals multiple triable issues of fact as to liability. Plaintiff's deposition testimony that he twice stopped at the Woodhull Street stop sign, looked left and right on each occasion, observed no oncoming vehicles, and then proceeded into the intersection only to have the middle and rear of the driver's side of his vehicle struck by the front of defendant's car permits an inference that defendant, who had the right of way, nevertheless failed to keep a proper lookout and to see what was there to be seen.

Defendant's own testimony and affirmation that he was traveling in the middle lane at approximately twenty miles per hour, never saw plaintiff's vehicle before impact, and only heard

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plaintiff's engine rev and attempted to brake about a second before the collision further support a finding that a jury could reasonably conclude he did not exercise reasonable care in observing traffic approaching from Woodhull Street, despite knowing that it intersected Hamilton Avenue at a sharp V-shaped angle and that vehicles from that direction would emerge from behind and to his right. (*See Taylor v. Brat Auto Sales, Ltd.*, 145 A.D.3d 701, 702 [2d Dept 2016, "While an operator of a motor vehicle traveling with the right-of-way is entitled to anticipate that other drivers will obey the traffic laws requiring them to yield, the driver with the right-of-way nonetheless also has an obligation to keep a proper lookout and see what can be seen through the reasonable use of his or her senses to avoid colliding with other vehicles."] (internal citations omitted)

The conflicting accounts of how the accident occurred, including where each vehicle was in the intersection, what each driver could or should have seen, and whether defendant had sufficient time to react after hearing plaintiff's engine, present classic questions of fact and credibility for a jury rather than mere speculative or conclusory allegations. Because these disputes bear directly on whether defendant exercised reasonable care notwithstanding his right of way, summary judgment must be denied and the issue of comparative fault is to be resolved at trial.

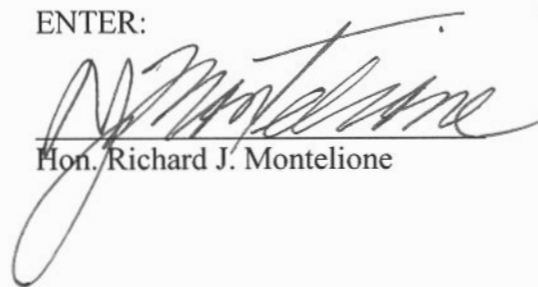
For the foregoing reasons, it is hereby

ORDERED, that Motion Seq. # 1 is **DENIED**, and the defendant's motion for summary judgment dismissing the complaint is denied, with the issues of liability and/or comparative fault to be resolved at trial; and it is further

ORDERED, that all other arguments not addressed herein have been reviewed, considered, and **DENIED**.

This constitutes the decision and order of the Court.

ENTER:



Hon. Richard J. Montelione

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