

<b>Ajasa v EAN Holdings, LLC</b>
2026 NY Slip Op 31438(U)
April 6, 2026
Supreme Court, Kings County
Docket Number: Index No. 504680/2025
Judge: Wavny Toussaint
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At an IAS Term, Part 70 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 6<sup>th</sup> day of April, 2026.

P R E S E N T :  
HON. WAVNY TOUSSAINT,  
Justice.

OLAJUMOKE AJASA,

Plaintiff,

-against-

EAN HOLDINGS, LLC d/b/a  
ENTERPRISE RENT-A-CAR and  
MOHAMMED ABUHAMDEH,

Defendants.

Index No.: 504680/2025

**DECISION AND ORDER**

*W-3-1*

The following papers numbered 1 to read herein  
Notice of Motion/Order to Show Cause/  
and Affidavits (Affirmations) Annexed  
Cross Motion and Affidavits (Affirmation) Annexed  
Answers/Opposing Affidavits (Affirmations)  
Reply Affidavits (Affirmations)  
Affidavit (Affirmation)  
Other Papers

NYSCEF Doc. Nos.

15-19

20-23

36

31-33; 34

In this motor vehicle accident case, plaintiff's motion (Seq. 01) for an order, pursuant to CPLR § 3212, seeking summary judgment on the issue of liability solely against defendant Mohammed Abuhamedeh (defendant) and striking defendant's first, fourth, twelfth, thirteenth, and fourteenth affirmative defenses, is granted to the extent detailed herein below.

Upon the proof submitted, consisting of plaintiff's affidavit, the pleadings, and the legal arguments of plaintiff's counsel, plaintiff demonstrated *prima facie* entitlement to judgement as a matter of law on the issue of liability by establishing that her vehicle was rear-ended by the vehicle operated by defendant. It is well established that "[a] rear-end collision with a stopped or stopping vehicle establishes a *prima facie* case of negligence on the part of the operator of the rear vehicle, requiring that operator to come forward with evidence of a non-negligent explanation for the collision in order to rebut the inference of negligence" (*Chowdbury v Elshaer*, 233 AD3d 1022, 1024 [2d Dept 2024]; *Lopez v Dobbins*, 164 AD3d 776, 777 [2d Dept 2018]).

Here, plaintiff states in her affirmation she was traveling on Vanderbilt Avenue, at or near its intersection with Atlantic Avenue, in Brooklyn, New York and had come to a full stop to account for the traffic ahead of her. Once stopped, plaintiff alleges her vehicle was rear-ended by the vehicle operated by defendant. Plaintiff further affirms she was wearing her seatbelt at the time of the collision and that the roadway was "straight, dry, flat, and without other obstructions" (NYSCEF Doc. No. 19 at par. 6). The plaintiff also established her *prima facie* entitlement to judgment as a matter of law dismissing defendants' affirmative defenses by demonstrating that she was not comparatively at fault in the happening of the accident (*Barr v Canales*, 231 AD3d 786, 787 [2d Dept 2024]). Having made a *prima facie* showing, the burden shifted to defendants to present admissible proof to raise a triable issue of fact in opposition (*Zuckerman v City of New York*, 49 NY2d 557, 562 [1980]).

Defendant's opposition, consisting primarily of his affirmation and the affirmation of his counsel, failed to raise any triable issues of fact regarding whether defendant had a non-negligent explanation for the accident or whether plaintiff was comparatively at fault in the happening of same (*Barr*, 231 AD3d at 787; *Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]). Defendant contends the collision with plaintiff's vehicle occurred because plaintiff slammed on the brakes to avoid striking another vehicle, which had "ran the red traffic light on Atlantic Avenue" and crossed in front of plaintiff's vehicle (NYSCEF Doc. No. 22 at pars. 7-12). Defendant contends he had no time to avoid the collision, which should serve as a non-negligent explanation for the accident except him from liability (*Id.* at pars. 11-12).

The Court finds defendant's argument unavailing. By defendant's own account, plaintiff was able to stop her vehicle with sufficient time to avoid colliding with the other vehicle passing in front of her, while defendant was unable to avoid striking plaintiff's vehicle. The only reasonable explanation suggest defendant was traveling too closely behind plaintiff's vehicle, in violation of New York State Vehicle and Traffic Law § 1129 [a], which imposes a duty on the operator of a motor vehicle to see what should be seen and to exercise reasonable care under the circumstances to avoid an accident (*Balducci v Velasquez*, 92 AD3d 626, 628 [2d Dept 2012]).<sup>1</sup> In any event, "[a] claim that the driver of the lead vehicle made a sudden stop, standing alone, is insufficient to rebut the presumption of negligence" (*Ramirez v Konstanzer*, 61 AD3d 837, 837 [2d Dept 2009] [internal

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<sup>1</sup> New York State Vehicle and Traffic Law § 1129 [a] states: "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."

quotation marks omitted]; *see also Perez v Persad*, 183 AD3d 771, 772 [2d Dept 2020] [“Stops by a lead vehicle which are foreseeable under the prevailing traffic conditions, even if sudden and frequent, must be anticipated by the driver who follows”]).

Accordingly, it is hereby

**ORDERED**, that plaintiff’s motion (Seq. 01) for an order, pursuant to CPLR § 3212, granting summary judgment on the issue of liability against defendant Mohammed Abuhammed and striking defendant’s first, fourth, twelfth, thirteenth, and fourteenth affirmative defenses, is granted; and it is further

**ORDERED**, that discovery shall continue as to liability and damages for non-moving defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car and as to damages only for defendant Mohammed Abuhamdeh.

This constitutes the decision and order of the Court.

For Clerks use only


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MD \_\_\_

Motion Seq.#

KINGS COUNTY CLERK  
FILED  
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E N T E R

  
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J.S.C.

**HON. WAVNY TOUSSAINT**  
**J.S.C.**