

**Sanon v Jackson**

2026 NY Slip Op 31947(U)

February 9, 2026

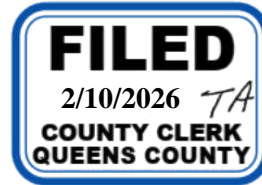
Supreme Court, Queens County

Docket Number: Index No. 721508/2020

Judge: Chereé A. Buggs

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This opinion is uncorrected and not selected for official publication.



Short Form Order

NEW YORK SUPREME COURT-QUEENS COUNTY

Present: HONORABLE CHEREÉ A. BUGGS  
Justice

IAS PART 30

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DARLINE JEAN SANON,

Index No.:721508/2020

Motion Date: 11/24/2025

Plaintiff,

Motion Cal. No.: 22

-against-

Motion Sequence No.: 2

ORVILLE D. JACKSON, NEW YORK CITY TRANSIT,  
MTA BUS COMPANY, ANDRES M. CASTANO-  
OSPINA, and SOFIA Y. ZAMORA,

Defendants.

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The following papers numbered 69-80 and 84-89 submitted and considered on this motion by Defendants Orville D. Jackson, New York City Transit, MTA Bus Company, Andres M. Casatno-Ospina and Sofia Y. Zamora (hereinafter collectively as “MTA”) seeking an Order pursuant to CPLR 3212 granting summary judgment in favor of MTA and dismissing Plaintiff Darline Jean Sanon’s (hereinafter “Sanon”) Complaint in its entirety, and dismissing any and all cross claims as against MTA with prejudice, on the basis that MTA did not breach a duty to Sanon, and are not liable for the occurrence.

<u>Motion Sequence 2</u>	<u>Papers Numbered</u>
Notice of Motion-Affirmation in Support- Affidavits-Exhibits.....	EF 69-80, 84-86
Affirmation in Opposition-Affidavits-Exhibits...	EF 87-89

As set forth in the Decision and Order herein, the motion for summary judgment is **denied**.

This Court notes that Exhibit D (NYSCEF Doc No. 74) is a placeholder for “Video Reference” submitted by MTA. However, after confirming with the record room of this Court, no Video was ever received. Further, Sanon also contends that they never received such video from MTA. Under these circumstances, this Court shall not consider such evidence.

### **Relevant Factual and Procedural Background**

This action arises from a motor vehicle accident on December 25, 2019, at or near the intersection of 164th Street and the Grand Central Parkway Service Road West in Queens. Sanon alleges she sustained personal injuries while a passenger on a bus operated in the course of service for the MTA Bus Company. The bus was being operated by Orville D. Jackson southbound on 164th Street and was lawfully proceeding through the intersection when it was struck on the front driver's side by a vehicle traveling on the service road and driven by Andres M. Castano-Ospina (hereinafter "Castano-Ospina") and owned by Sofia Y. Zamora (hereinafter "Zamora"). Sanon's pleadings, as framed by the complaint and amplified in her verified bill of particulars, assert negligence in the ownership and operation of the bus and related entities, including allegations that the bus was operated in a manner that unreasonably endangered her and that the operator was negligently hired.

With respect to the procedural posture, the pleadings state that the action was commenced by summons and complaint filed on or about December 22, 2020, and that issue was joined through service of answers and amended answers by the moving defendants in January and February 2021, followed by an answer with cross-claims by Castano-Ospina and Zamora in or about April 2021. The moving papers further represent that Sanon served a verified bill of particulars dated December 15, 2022. The movants also represent that a note of issue has not been filed and, on that basis, characterize the motion as timely.

On this motion, MTA seeks summary judgment dismissing the complaint as against it on liability, asserting that the accident was caused solely by the conduct of Castano-Ospina and that neither Jackson nor the bus operation contributed to the occurrence. In support, MTA relies on a combination of a surveillance-style video said to have been obtained from a camera in the vicinity of the intersection, Jackson's notarized affidavit authenticating the video and describing the occurrence, Jackson's examination-before-trial testimony, and internal reports prepared by an MTA supervisor following the incident. MTA's factual position is that Jackson approached and entered the intersection on a steady green signal for 164th Street, while Castano-Ospina approached on the service road at an excessive rate of speed and entered against a red signal, striking the bus at the driver's compartment and forcing the bus off its intended path. MTA emphasizes that, according to Jackson, he first observed the green traffic light from approximately half a block away, maintained it in view as he approached, and it did not change before he entered the intersection. MTA also highlights Jackson's testimony that he first saw Castano-Ospina's vehicle only moments before impact, through the left-side window, estimating its speed at approximately 60–70 mph, and that after the collision he lost control and the bus struck a retaining wall on the overpass. MTA frames these assertions as demonstrating that Jackson had minimal time to react, attempted to brake to avoid the collision, and that the collision was unavoidable from the bus operator's standpoint.

MTA's submission further relies on a supervisor's accident/crime investigation report prepared on December 25, 2019, which the movants characterize as a business record. The

movants describe the report as reflecting that the supervisor interviewed the bus operator, who stated that while traveling straight on 164th Street through a green light, he observed the other vehicle approaching quickly from the left on the service road and striking the bus at the driver's compartment, forcing the bus off the roadway onto the sidewalk. MTA also provides an attorney affirmation describing the preparation of those reports in the ordinary course of business. As to the video, MTA contends it objectively corroborates Jackson's account and allows the inference that the service road traffic signal was red at the time the Castano-Ospina vehicle entered the intersection, while 164th Street traffic was permitted to proceed. The movants' narrative points to timestamps within the footage, asserting that visible traffic lights for the service road turn red before the bus enters the intersection, remain red through the moment the Castano-Ospina vehicle appears at high speed, and remain red after the impact, including as other vehicles are stopped at the light. MTA's overall position is that these materials, taken together, establish that neither Jackson nor the bus operation breached any duty of care to Sanon and that the sole proximate cause was the manner in which Castano-Ospina drove into the intersection.

In opposition, the defendants Zamora and Castano-Ospina contend that MTA has not eliminated triable issues of fact, and they focus their opposition on a disputed question as to the traffic signal indications governing each vehicle's approach to the intersection. They argue that the record contains conflicting evidence: Jackson maintains he entered on green for 164th Street, while Castano-Ospina maintains he entered on a permissive indication for the service road, asserting that the light was green as he approached and then turned yellow as he reached the crosswalk and remained yellow as he entered the intersection. The opposition submits Castano-Ospina's full deposition transcript and relies on his testimony that he was traveling on the Grand Central Parkway service road, that he observed a green light approximately two car lengths from the intersection, that the light changed to yellow when he reached the crosswalk, and that it did not change again before the collision. The opposing defendants stress that Castano-Ospina testified he was looking at the traffic light as he entered the intersection and that, in their view, his testimony directly conflicts with Jackson's account in a way that requires a jury to resolve which vehicle had the right of way.

The opposition further challenges the movants' reliance on the video evidence. Counsel for Zamora and Castano-Ospina represents that their office did not receive the same video that MTA annexes, and objects to the submission on that basis. They also contend that the only video in their file does not depict the color of the traffic signals and therefore does not resolve the crucial issue of which driver had a permissive signal, and which had a stop signal. From the opposition's perspective, even if the video depicts the vehicles and the impact, it does not conclusively establish the state of the traffic lights for each approach at the relevant moment, and therefore does not eliminate the factual dispute created by the two drivers' competing testimony. The opposing defendants argue that this conflict bears directly on liability because, if Castano-Ospina entered on yellow and Jackson entered against a signal, or if the signal phasing is otherwise as Castano-Ospina described, a factfinder could conclude that MTA contributed to the occurrence. They therefore contend that the motion should be denied because the record, at minimum, presents an issue of fact requiring trial determination.

Accordingly, the parties' submissions frame the dispute as turning on whether MTA has established, through its video evidence, Jackson's sworn account, his deposition testimony, and the supervisor report, that the bus entered on a green signal and that the Castano-Ospina vehicle entered against a red signal at a high rate of speed; and, conversely, whether the opposing deposition testimony of Castano-Ospina, together with the opposition's challenges to the conclusiveness and disclosure of the video, demonstrates that the signal indication and right-of-way at the intersection remain contested such that liability cannot be determined as a matter of law on the present record.

### **Law and Application**

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...

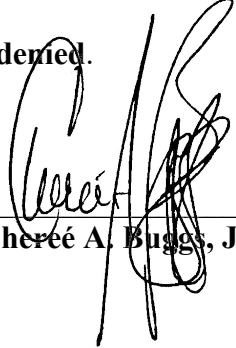
“The proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the absence of any material issues of fact” (see *Bazdaric v Almah Partners LLC*, 41 NY3d 310, 316 [2024]; citing *Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]; see also *Morejon v New York City Tr. Auth.*, 216 AD3d 134, 136 [2d Dept 2023]; citing *Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]; *Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985]; *Rev 5, LLC v Congregation Beth Elohim*, 229 AD3d 820 [2d Dept 2024]). “Once a prima facie showing has been 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” (see *Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]; citing *Zuckerman v City of New York*, 49 NY2d at 562 [1980]). Summary judgment is a drastic measure that deprives a litigant of his or her day in court, and it should only be employed when there is no doubt as to the absence of triable issues (see *114 Woodbury Realty, LLC v 10 Bethpage Rd., LLC*, 178 AD3d 757, 759 [2d Dept 2019]; *Castlepoint Ins. Co. v Command Sec. Corp.*, 144 AD3d 731, 733 [2d Dept 2016]; *Doize v. Holiday Inn Ronkonkoma*, 6 A.D.3d 573, 774 N.Y.S.2d 792 [2nd Dept. 2004]). “In determining a motion for summary judgment, evidence must be viewed in the light most favorable to the nonmoving party, and all reasonable inferences must be resolved in favor of the nonmoving party” (see *Moonilal v R.C. Church of St. Mary Gate of Heaven*, 225 AD3d 592, 593 [2d Dept 2024]; citing *Morejon v New York City Tr. Auth.*, 216 AD3d 134, 136 [2d Dept 2023]; see also *Adams v Bruno*, 124 AD3d 566, 567 [2d Dept 2015]).

Here, no video was submitted to the Court. Furthermore, this Court finds that Castano-Ospina’s testimony directly conflicted with the testimony of Jackson, with regards to the facts surrounding the accident, including but not limited to the fact that both parties testified they had the greenlight/right of way at the time of the accident. MTA’s evidentiary submissions were insufficient to eliminate all triable issues of fact surrounding the accident and whether either or both drivers were negligent (see *Sperling v Akesson*, 104 AD3d 840, 841 [2d Dept 2013]; citing *Allen v Echols*, 88 AD3d 926, 927 [2d Dept 2011]). Accordingly, it is hereby

**ORDERED**, that MTA’s motion for summary judgment is **denied**.

Dated: February 9, 2026



  
Hon. Chereé A. Buggs, JSC