

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. EDWARD W. MC CARTY, III

Justice

TRIAL/IAS, PART 3
NASSAU COUNTY

VRENNY ARMIGOS,

Plaintiff(s)

INDEX No.20606/2002

-against-

FABIOLA SARMIENTO, DARLENE PERRY and
JEAN PRICE MICHEL,

Defendant(s)

MOTION DATE:11/9/05
MOTION SEQ.#001-002

The following papers read on this motion:

- Notice of Motion/Order to Show Cause X
- Cross-Motion X
- Answering Affidavit
- Replying Affidavits

Motion by defendant Perry for summary judgment and cross-motion by defendant Sarmiento for summary judgment are granted, without opposition.

This personal injury action arises out of a three car motor vehicle accident which took place on the Southern State Parkway on December 8, 1996. Defendant Perry's vehicle was stopped in traffic in the right lane when it was hit in the rear by defendant Sarmiento's vehicle. Defendant Sarmiento's vehicle was stopped when it was hit in the rear by defendant Michel's vehicle. Plaintiff was a passenger in defendant Sarmiento's vehicle at the time of the accident.

There is a conflict between the respective defendants' deposition testimony as to whether defendant Sarmiento's vehicle hit defendant Perry's vehicle before or after she was hit by defendant Michel's vehicle. However, in either scenario, both defendant Perry and defendant Sarmiento were stopped when they were hit in the rear. Therefore summary judgment is granted to both defendant Perry and defendant Sarmiento.

Date 1.3.06 **ENTERED** EDWARD W. McCARTY III
J.S.C.

JAN 09 2006

NASSAU COUNTY
COUNTY CLERK'S OFFICE