

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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ANGELIK BELL,

Plaintiff,

-against-

MARISA M. LAFOUCADE, ALVIN L. DIXON,
THOMAS M. LOPEZ and ADOLFO L. BARAHONA,
Defendant (s)

**MICHELE M. WOODARD,
J.S.C.**

TRIAL/IAS Part 18

Index No.: 7410/04

Motion Seq. No.: 02 & 03

DECISION & ORDER

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Papers Read on this Motion:

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Defendants MARISA M. LaFOUCADE and ALVIN L. DIXON move by Notice of Motion for Summary Judgment pursuant to CPLR §3212 dismissing the Complaint on the basis that the plaintiff did not sustain a "serious injury" under Section 5102(d) of the Insurance Law.

Defendants TOMAS LOPEZ and RODOLFO BARAHONA cross-move for Summary Judgment based on the same reasons set forth by their co-defendants.

The plaintiff opposes both applications.

Based upon a conference in Chambers and a review of the defendants' medical affirmation submitted by Dr. Sharma, the defendants have failed to meet their burden of establishing entitlement to Summary Judgment in that they have not provided adequate medical evidence that plaintiff did not sustain a "serious injury".

Therefore, material questions of fact remain for Trial. Both defendants' motions are

DENIED.

This constitutes the **DECISION** and **ORDER** of this Court.

DATED: February 2, 2007
Mineola, N.Y.

ENTER:


HON. MICHELE M. WOODARD
J.S.C.

ENTERED

FEB 07 2007

NASSAU COUNTY
COUNTY CLERK'S OFFICE