

At IAS Part 35 of the Supreme Court of the State of New York, Kings County, on the 30th day of Nov. 2021

PRESENT: Hon. Karen B. Rothenberg, JSC

SHORT FORM ORDER

Daniel Pitts and Michelle Pitts

504349/2020

Index No. _____ / _____

Plaintiff(s),

- against -

Cal. No. _____

Stoneforce Trucking, LLC et ano.

Defendant(s)

The following papers numbered _____ read on this motion	Papers Numbered _____
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	12-24
Answering Affidavit (Affirmation)	27, 28
Reply Affidavit (Affirmation)	29
Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

Plaintiffs' make a prima facie showing that defendants were negligent and were the sole cause of the instant MVA. Defendants fail to submit evidence in admissible form to rebut the plaintiffs' showing. Therefore, the motion for summary judgment on liability and to dismiss the 1st and 4th affirmative defenses of comparative negligence/culpable conduct is granted. The matter shall proceed to trial on damages only.

ENTER

Karen B. Rothenberg
Karen B. Rothenberg

JSC