

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Ramjattan v. Auringer

Ramjattan, 2026 NY Slip Op 03011 (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2026) · No. 2024-12528 · Decided May 13, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order granting the plaintiff summary judgment dismissing the defendants' affirmative defenses of comparative negligence. The court held that the plaintiff's affidavit did not eliminate all triable issues of fact concerning whether he was free from comparative negligence and denied that branch of the plaintiff's motion.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Cheryl E. Chambers, J.; Helen Voutsinas, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	May 13, 2026
DOCKET	2024-12528
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendants appealed from an order granting the plaintiff summary judgment dismissing their affirmative defenses alleging comparative negligence.
STANDARD OF REVIEW	Summary judgment requires the movant to establish prima facie entitlement to judgment as a matter of law by eliminating all triable issues of fact; if the movant fails to meet that burden, the sufficiency of the opposing papers need not be considered.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Austin Auringer, et al. v. Chris Ramjattan

TOPICS

comparative fault

summary judgment

personal injury

standard of review

appellate procedure

PRACTICE AREAS

personal injury

civil procedure

appellate procedure

automobile negligence

QUESTIONS PRESENTED

1. Whether a plaintiff's comparative negligence may be resolved on the plaintiff's motion for summary judgment dismissing a defendant's affirmative defense alleging comparative negligence.
2. Whether the plaintiff established prima facie entitlement to summary judgment dismissing the defendants' comparative-negligence defenses by eliminating all triable issues of fact as to his own freedom from comparative negligence.

HOLDINGS

1. The issue of a plaintiff's comparative negligence may be decided on a summary judgment motion when the plaintiff seeks dismissal of a defendant's affirmative defense alleging comparative negligence and culpable conduct by the plaintiff.
2. The plaintiff was not entitled to summary judgment dismissing the defendants' comparative-negligence defenses because his affidavit failed to eliminate all triable issues of fact as to whether he was free from comparative negligence.

KEY QUOTATIONS

*“[T]he issue of a plaintiff's comparative negligence may be decided in the context of a summary judgment motion where the plaintiff moves for summary judgment dismissing a defendant's affirmative defense alleging comparative negligence and culpable conduct on the part of the plaintiff” ([*1])*

FACTUAL BACKGROUND

The plaintiff allegedly sustained personal injuries when his vehicle collided with the defendants' vehicle at an intersection in Queens. He contended that the defendants' negligence was the sole proximate cause of the accident and sought dismissal of the defendants' comparative-negligence defenses. The plaintiff's affidavit did not eliminate all triable issues of fact concerning whether he was free from comparative negligence.

PROCEDURAL HISTORY

The plaintiff commenced a personal-injury action after his vehicle collided with the defendants' vehicle at a Queens intersection. The plaintiff moved for summary judgment on liability and to dismiss the defendants' comparative-negligence defenses. The Supreme Court, Queens County, granted the branch seeking dismissal of those defenses, and the Appellate Division reversed that portion of the order.

DISPOSITION

reversed

CASES CITED

- Sapienza v. Harrison, 191 A.D.3d 1028, 1029
- Fischetti v. Simonovsky, 227 A.D.3d 670, 671
- Karim v. Proline Rental, LLC, 222 A.D.3d 851, 852
- Lu Yan Li v. Yong Hua Zhen, 232 A.D.3d 872, 873
- Policart v. Wheels LT, 221 A.D.3d 921, 922
- Winegrad v. New York Univ. Med. Ctr., 64 N.Y.2d 851, 853

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-new-york-appellate-division-second-department-supreme-court-of-the-sta/2026/ramjattan-v-auringer-1j6nxe0w>