

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Rosenfeld v. BM Islam

2026 NY Slip Op 04047 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Index No. 160455/24; Appeal No. 6971; Case No. 2025-06505 · Decided June 25, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed the denial of the plaintiff's motion for summary judgment on liability in an e-scooter and taxicab collision case. The court held that the video evidence did not resolve how the collision occurred or establish that the plaintiff was free from negligence, leaving triable issues of fact regarding fault and comparative fault.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Kapnick, J.; Gesmer, J.; Pitt-Burke, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	June 25, 2026
DOCKET	Index No. 160455/24; Appeal No. 6971; Case No. 2025-06505
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order denying his motion for summary judgment on liability in a motor-vehicle collision action.
STANDARD OF REVIEW	Summary judgment is appropriate only when no triable issue of material fact exists; where the evidence does not conclusively establish liability, the motion must be denied.
PRECEDENTIAL VALUE	published
PARTIES	Evan Rosenfeld v. BM Islam, Skorpios LLC, Freebird Taxi LLC

TOPICS

- summary judgment
- negligence
- comparative fault
- standard of review
- appellate procedure

PRACTICE AREAS

- torts
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to summary judgment on liability based on video footage and still images of the collision.
2. Whether the record conclusively established that plaintiff was free from negligence and that defendants were solely or primarily at fault.

HOLDINGS

1. Summary judgment on liability was properly denied because triable issues of fact remained concerning how the collision occurred.
2. The evidence did not irrefutably demonstrate that plaintiff was free from negligence; factual issues remained as to which party was at fault and the degree of fault attributable to each party.

KEY QUOTATIONS

“Supreme Court properly denied plaintiff’s motion for summary judgment because triable issues of fact exist as to how the collision occurred.” ([*1])

“As a result, triable issues of fact remain as to which party was at fault or to what degree, if any, each party was at fault” ([*1])

FACTUAL BACKGROUND

Plaintiff was allegedly injured when the e-scooter he was riding collided with a taxicab driven by BM Islam and owned by Skorpios LLC and Freebird Taxi LLC. Plaintiff claimed that he entered the intersection with the lawful right-of-way, that Islam ran a red light, and that the taxi struck him at a high rate of speed. The video footage and still images did not show the traffic signal facing the taxi and did not clearly depict the collision.

PROCEDURAL HISTORY

Supreme Court, New York County, denied plaintiff’s motion for summary judgment on liability. The Appellate Division, First Department, unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- Lopez v Rodriguez, 242 AD3d 511, 512 (1st Dept 2025)
- Miranda-Lopez v New York City Tr. Auth., 177 AD3d 431, 431-432 (1st Dept 2019)
- Bell v Angah, 146 AD3d 734, 734 (1st Dept 2017)
- Winegrad v New York Univ. Med. Ctr., 64 NY2d 851, 853 (1985)

OPINION

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PER CURIAM.

Rosenfeld v BM Islam - 2026 NY Slip Op 04047 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Rosenfeld v BM Islam 2026 NY Slip Op 04047 June 25, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. Evan Rosenfeld, Appellant, v BM Islam, et al., Respondents. Decided and Entered: June 25, 2026 Index No. 160455/24|Appeal No. 6971|Case No. 2025-06505| Before: Webber, J.P., Kapnick, Gesmer, Pitt-Burke, Chan, JJ. Caitlin Robin & Associates PLLC, New York (Mark Laughlin of counsel), for appellant. The Zweig Law Firm P.C., Cedarhurst (Jonah S. Zweig of counsel), for respondents. [*1] Order, Supreme Court, New York County (Christopher Chin, J.), entered on or about September 10, 2025, which denied plaintiff's motion for summary judgment on liability, unanimously affirmed, without costs. Plaintiff was allegedly injured in a collision between the e-scooter that he was riding and a taxicab driven by defendant BM Islam and owned by defendants Skorprios LLC and Freebird Taxi LLC. Plaintiff alleged that, after he entered the intersection of 51st Street and Lexington Avenue in Manhattan with the lawful right-of-way, the driver ran a red light, drove into plaintiff's path, and struck him at a high rate of speed. Supreme Court properly denied plaintiff's motion for summary judgment because triable issues of fact exist as to how the collision occurred. Neither the video footage of the collision nor the still images taken from the video resolve the issue of liability, because the traffic signal facing defendants' taxi cannot be seen in either the video or the still images, and the collision itself is not clearly depicted (see Lopez v Rodriguez , 242 AD3d 511 , 512 [1st Dept 2025]; Miranda-Lopez v New York City Tr. Auth. , 177 AD3d 431 , 431-432 [1st Dept 2019]). Contrary to plaintiff's assertion, the video does not irrefutably demonstrate that he was free from negligence (see Miranda-Lopez , 177 AD3d at 432). As a result, triable issues of fact remain as to which party was at fault or to what degree, if any, each party was at fault (see Bell v Angah , 146 AD3d 734, 734 [1st Dept 2017]). In view of the foregoing, we need not reach defendants' arguments in opposition (see Winegrad v New York Univ. Med. Ctr. , 64 NY2d 851, 853 [1985]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 25, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

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