

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

Ravi S.A. v. Gyebi

2026 NY Slip Op 01840 · No. Case No. 2025-03694; Appeal No. 6191; Index No. 29650/17 · Decided March 26, 2026

SUMMARY

The New York Appellate Division, First Department, reversed a judgment dismissing the complaint and vacated the underlying order in a personal injury action involving an infant plaintiff's alleged post-traumatic stress disorder. The court held that defendants failed to establish prima facie entitlement to summary judgment dismissing the significant limitation of use claim under Insurance Law § 5102(d), but properly dismissed the permanent consequential limitation of use claim. The court also affirmed denial of the infant plaintiff's cross-motion for partial summary judgment and directed that the appellate record be sealed to protect confidential personal information.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; González, J.; Mendez, J.; O'Neill Levy, J.; Hagler, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	March 26, 2026
DOCKET	Case No. 2025-03694; Appeal No. 6191; Index No. 29650/17
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs appealed from a judgment dismissing the complaint and brought up for review an order granting defendants summary judgment dismissing the infant plaintiff's claims that her post-traumatic stress disorder constituted a serious injury under the permanent consequential limitation of use and significant limitation of use categories of Insurance Law § 5102(d), while denying the infant plaintiff's cross-motion for partial summary judgment.
STANDARD OF REVIEW	On summary judgment, the moving party must establish entitlement to judgment as a matter of law; once that showing is made, the opposing party must demonstrate a triable issue of fact. The court also reviewed whether the infant plaintiff established serious injury as a matter of law on her cross-motion.

PRECEDENTIAL VALUE	published
PARTIES	Ravi S.A. et al., J.A., an infant plaintiff v. Thompson Gyebi et al.

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QUESTIONS PRESENTED

1. Whether the timely appeal from the judgment made the nonfinal summary-judgment order reviewable despite the plaintiff's failure to separately appeal from that order.
2. Whether defendants established prima facie entitlement to summary judgment dismissing the infant plaintiff's PTSD claim under the permanent consequential limitation of use category of Insurance Law § 5102(d).
3. Whether defendants established prima facie entitlement to summary judgment dismissing the infant plaintiff's PTSD claim under the significant limitation of use category of Insurance Law § 5102(d).
4. Whether the infant plaintiff established as a matter of law that her PTSD constituted a serious injury under the significant limitation of use category.
5. Whether the appellate record should be sealed because it contained unredacted confidential personal information.

HOLDINGS

1. A timely notice of appeal from the judgment made reviewable the nonfinal order granting defendants summary judgment because that order necessarily affected the final judgment, even though plaintiff did not separately appeal from the order.
2. Defendants established prima facie entitlement to summary judgment dismissing the infant plaintiff's PTSD claim under the permanent consequential limitation of use category, and plaintiff failed to raise a triable issue of fact.
3. Defendants failed to establish prima facie entitlement to summary judgment dismissing the infant plaintiff's PTSD claim under the significant limitation of use category.
4. The infant plaintiff was not entitled to partial summary judgment establishing that her PTSD constituted a significant limitation of use and therefore a serious injury under Insurance Law § 5102(d).
5. The appellate record was ordered sealed because it contained unredacted confidential personal information concerning the infant plaintiff.

KEY QUOTATIONS

““Serious,” in this context, means severe, pervasive, or debilitating, as opposed to transient, temporary, “minor, mild[,] or slight”” (at 1)

“Defendants’ interpretation of this evidence as not supporting a claim of serious injury, unsupported by any expert opinion, goes to the weight to be afforded thereto, but not its legal sufficiency.” (at 1)

FACTUAL BACKGROUND

The infant plaintiff allegedly developed PTSD following an accident. She treated with a therapist for several months and then with an alleged psychologist for several months, after which her mother, who was not a mental-health professional, withdrew her from therapy and treated her at home. Treatment records and deposition testimony indicated that the child made some progress but also regressed and continued to experience PTSD symptoms affecting her life; two expert psychologists administered objective testing but identified only one or two mild clinically significant findings on each instrument.

PROCEDURAL HISTORY

Supreme Court, Bronx County, entered an order on June 5, 2024 granting defendants partial summary judgment and denying the infant plaintiff's cross-motion. The court entered judgment dismissing the complaint on May 28, 2025. The Appellate Division held that the timely appeal from the judgment made the nonfinal order reviewable, reversed the judgment, vacated it, modified the order to deny defendants summary judgment on the significant-limitation-of-use claim, and otherwise affirmed.

DISPOSITION

other

REMAND INSTRUCTIONS

The judgment was vacated. The order was modified to deny defendants' motion for summary judgment dismissing the significant limitation of use claim and was otherwise affirmed. The record was sealed.

CASES CITED

- Guzman v City of New York, 228 AD3d 558, 559 [1st Dept 2004]
- Helfant v Sobkowski, 174 AD2d 340, 341 [1st Dept 1991]
- Pommells v Perez, 4 NY3d 566, 572 [2005]
- Ramkumar v Grand Style Transp. Enters. Inc., 22 NY3d 905, 906 [2013]
- Fernandez v Sukhdeep, 245 AD3d 630, 632 [1st Dept 2026]
- Solano v American United Transp. Inc., 243 AD3d 497, 497-498 [1st Dept 2025]
- Kassai v Trump Mgt. Inc., 242 AD3d 602, 602 [1st Dept 2025]
- Pullman v Silverman, 28 NY3d 1060, 1062 [2016]
- Bissonette v Compo, 307 AD2d 673, 674 [3d Dept 2003]
- Licari v Elliott, 57 NY2d 230, 236 [1982]

- Fillette v Lundberg, 150 AD3d 1574, 1578-1579 [3d Dept 2017]
- Chapman v Capoccia, 283 AD2d 798, 800 [3d Dept 2001]
- Krivit v Pitula, 79 AD3d 1432, 1434 [3d Dept 2010]
- Ampofo v Key, 168 AD3d 601, 602 [1st Dept 2019]
- Ogando v National Frgt., Inc., 166 AD3d 569, 570 [1st Dept 2018]

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