

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

Radosta v. Caronia

2025 NY Slip Op 06883 · No. 2025-00142; Index No. 622341/23 · Decided December 10, 2025

SUMMARY

The Appellate Division, Second Department, affirmed an order granting the plaintiff summary judgment on liability in a rear-end motor vehicle collision case. The court held that the plaintiff established a prima facie case of negligence and that the defendants failed to provide a nonnegligent explanation or establish that the emergency doctrine applied.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Valerie Brathwaite Nelson, J.P.; Linda Christopher, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 10, 2025
DOCKET	2025-00142; Index No. 622341/23
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from an order granting plaintiff summary judgment on the issue of liability in a personal-injury action arising from a rear-end collision.
STANDARD OF REVIEW	On a motion for summary judgment, the movant must establish entitlement to judgment as a matter of law; once a rear-end collision with a stopped or stopping vehicle establishes a prima facie case of negligence, the rear driver must provide a nonnegligent explanation or raise a triable issue of fact.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Darlene Caronia, Louis Caronia v. Deborah Radosta

TOPICS

summary judgment

negligence

standard of care

proximate cause

personal injury

PRACTICE AREAS

torts

personal injury

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Radosta established prima facie entitlement to summary judgment on liability based on evidence that Caronia's vehicle struck the rear of Radosta's stopped vehicle.
2. Whether the defendants raised a triable issue of fact through a nonnegligent explanation for the collision.
3. Whether the emergency doctrine applied to excuse or negate the rear driver's negligence.

HOLDINGS

1. A rear-end collision with a stopped or stopping vehicle establishes a prima facie case of negligence by the operator of the rear vehicle, who must then come forward with a nonnegligent explanation for the collision.
2. The defendants failed to raise a triable issue of fact as to a nonnegligent explanation for the rear-end collision; evidence that the lead vehicle stopped suddenly, standing alone, is insufficient.
3. The emergency doctrine did not apply to the defendants' alleged rear-end collision because the defendants failed to establish an emergency and typical rear-end collisions generally do not qualify as emergencies.

KEY QUOTATIONS

*"A rear end collision with a stopped or stopping vehicle establishes a prima facie case of negligence on the part of the operator of the rear vehicle, requiring that operator to come forward with evidence of a nonnegligent explanation for the collision to rebut the inference of negligence" (*1)*

*"The emergency doctrine does not apply to typical accidents involving rear-end collisions because trailing drivers are required to leave a reasonable distance between their vehicles and vehicles ahead" (*1)*

FACTUAL BACKGROUND

A vehicle operated by Deborah Radosta was completely stopped when it was struck in the rear by a vehicle operated by Darlene Caronia. Radosta submitted deposition testimony from herself and Caronia establishing the stopped position of Radosta's vehicle and the rear impact. The defendants did not provide evidence raising a triable issue as to a nonnegligent explanation or applicability of the emergency doctrine.

PROCEDURAL HISTORY

Deborah Radosta commenced an action against Darlene Caronia and Louis Caronia for personal injuries allegedly resulting from a rear-end collision. Radosta moved for summary judgment on liability, and the Supreme Court, Suffolk County, granted that branch of her motion by order dated November 25, 2024. The defendants appealed, and the Appellate Division affirmed insofar as appealed from, with costs.

DISPOSITION

affirmed

CASES CITED

- *Madrigal v. Paragon Motors of Woodside, Inc.*, 236 A.D.3d 885, 887
- *Graham v. New York City Tr. Auth.*, 219 A.D.3d 1316, 1317
- *Nicola v. Nicolas*, 208 A.D.3d 791, 793
- *Donnellan v. LaMarche*, 221 A.D.3d 783, 784
- *Quinones v. Grace Indus., LLC*, 219 A.D.3d 765, 766
- *Pollet v. Charyn*, 200 A.D.3d 728, 730-731
- *Brothers v. Bartling*, 130 A.D.3d 554, 556
- *Kinard v. New York City Tr. Auth.*, 233 A.D.3d 665, 666
- *Anderson v. Metropolitan Transp. Auth.*, 208 A.D.3d 742, 743
- *Hsin Cheng v. Adami*, 231 A.D.3d 718, 719-720
- *Burgess v. Little Wolf Cabinet Shop, Inc.*, 226 A.D.3d 957, 958
- *Capuzzo v. Miller*, 188 A.D.3d 1137, 1138
- *Lowhar-Lewis v. Metropolitan Transp. Auth.*, 97 A.D.3d 728, 729

OPINION

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PER CURIAM.

Radosta v Caronia (2025 NY Slip Op 06883) Radosta v Caronia 2025 NY Slip Op 06883 Decided on December 10, 2025 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on December 10, 2025

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department VALERIE BRATHWAITE NELSON, J.P.

LINDA CHRISTOPHER

JANICE A. TAYLOR

JAMES P. MCCORMACK, JJ. 2025-00142

(Index No. 622341/23) [*1]Deborah Radosta, respondent, v Darlene Caronia, et al., appellants. Lewis Johs Avallone Aviles, LLP, Islandia, NY (Amy E. Bedell of counsel), for appellants. Law Offices of Matthew A. Sosnik P.C. (The Thomas W. Russo Law Firm PLLC, Bronx, NY, of counsel), for respondent. DECISION & ORDER In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Suffolk County (Christopher Modelewski, J.), dated November 25, 2024. The order, insofar as appealed from, granted that branch of the plaintiff's motion which was for summary judgment on the issue of liability.

ORDERED that the order is affirmed insofar as appealed from, with costs. The plaintiff commenced this action to recover damages for personal injuries against the defendants, Darlene Caronia (hereinafter the defendant driver) and Louis Caronia, alleging that a vehicle the plaintiff was operating was struck in the rear by a vehicle operated by the defendant driver. Subsequently, the plaintiff moved, inter alia, for summary judgment on the issue of liability. In an order dated November 25, 2024, the Supreme Court, among other things, granted that branch of the plaintiff's motion. The defendants appeal. "[A] driver of a vehicle approaching another vehicle from the rear is required to maintain a reasonably safe distance and rate of speed under the prevailing conditions to avoid colliding with the other vehicle" (*Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d 885, 887 [internal quotation marks omitted]; see Vehicle and Traffic Law § 1129[a]; *Graham v New York City Tr. Auth.* , 219 AD3d 1316, 1317). "A rear end collision with a stopped or stopping vehicle [therefore] establishes a prima facie case of negligence on the part of the operator of the rear vehicle, requiring that operator to come forward with evidence of a nonnegligent explanation for the collision to rebut the inference of negligence" (*Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 887, quoting *Nicola v Nicolas* , 208 AD3d 791, 793). A nonnegligent explanation may include a "sudden, unexplained stop of the vehicle ahead, an unavoidable skidding on wet pavement, or any other reasonable cause" (*id.* , quoting *Donnellan v LaMarche* , 221 AD3d 783, 784). However, "evidence that the plaintiff's vehicle came to a sudden stop, standing alone, is insufficient to rebut the presumption of negligence of the operator of the rear vehicle" (*Quinones v Grace Indus., LLC* , 219 AD3d 765, 766, quoting *Pollet v Charyn* , 200 AD3d 728, 730-731; see *Brothers v Bartling* , 130 AD3d 554, 556). Further, "[t]he emergency doctrine provides that when an actor is faced with a sudden and unexpected circumstance which leaves little or no time for thought, deliberation or consideration or causes the actor to be reasonably so disturbed that the actor must make a speedy decision without weighing alternative courses of conduct, the actor may not be negligent if the actions taken are reasonable and prudent in the emergency context" (*Kinard v New York City Tr. Auth.* , 233 AD3d 665, 666, quoting *Anderson v Metropolitan Transp. Auth.* , 208 AD3d 742, 743). However, the "emergency doctrine does not apply where the party seeking to invoke it created or contributed to the emergency" (*Hsin Cheng v Adami* , 231 AD3d 718, 719-720, quoting *Burgess v Little Wolf Cabinet Shop, Inc.* , 226 AD3d 957, 958). In general, "[t]he emergency doctrine does not apply to typical accidents involving rear-end collisions because trailing drivers are required to leave a reasonable distance between their vehicles and vehicles ahead" (*Capuzzo v Miller* , 188 AD3d 1137, 1138, quoting *Lowhar-Lewis v Metropolitan Transp. Auth.* , 97 AD3d 728, 729). Here, the plaintiff established, prima facie, that the defendant driver's negligence was a proximate cause of the accident (see *Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 885; *Quinones v Grace Indus., LLC* , 219 AD3d 766). The evidence submitted by the plaintiff in support of her motion, including transcripts of her own deposition testimony and of the defendant driver's deposition testimony established, prima facie, that the plaintiff's vehicle was at a complete stop

when the vehicle operated by the defendant driver struck the rear of the plaintiff's vehicle. In opposition, the defendants failed to raise a triable issue of fact as to whether there was a nonnegligent explanation for the happening of the accident or whether the emergency doctrine applied to this case (see *Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 887; *Kinard v New York City Tr. Auth.* , 233 AD3d at 666). Accordingly, the Supreme Court properly granted that branch of the plaintiff's motion which was for summary judgment on the issue of liability. BRATHWAITE NELSON, J.P., CHRISTOPHER, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court
PER CURIAM.

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SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department VALERIE BRATHWAITE NELSON, J.P.

LINDA CHRISTOPHER

JANICE A. TAYLOR

JAMES P. MCCORMACK, JJ. 2025-00142

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nonnegligent explanation for the collision to rebut the inference of negligence" (*Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 887, quoting *Nicola v Nicolas* , 208 AD3d 791, 793). A nonnegligent explanation may include a "sudden, unexplained stop of the vehicle ahead, an unavoidable skidding on wet pavement, or any other reasonable cause" (*id.* , quoting *Donnellan v LaMarche* , 221 AD3d 783, 784). However, "evidence that the plaintiff's vehicle came to a sudden stop, standing alone, is insufficient to rebut the presumption of negligence of the operator of the rear vehicle" (*Quinones v Grace Indus., LLC* , 219 AD3d 765, 766 , quoting *Pollet v Charyn* , 200 AD3d 728, 730-731 ; see *Brothers v Bartling* , 130 AD3d 554, 556). Further, "[t]he emergency doctrine provides that when an actor is faced with a sudden and unexpected circumstance which leaves little or no time for thought, deliberation or consideration or causes the actor to be reasonably so disturbed that the actor must make a speedy decision without weighing alternative courses of conduct, the actor may not be negligent if the actions taken are reasonable and prudent in the emergency context" (*Kinard v New York City Tr. Auth.* , 233 AD3d 665 , 666, quoting *Anderson v Metropolitan Transp. Auth.* , 208 AD3d 742, 743). However, the "emergency doctrine does not apply where the party seeking to invoke it created or contributed to the emergency" (*Hsin Cheng v Adami* , 231 AD3d 718 , 719-720, quoting *Burgess v Little Wolf Cabinet Shop, Inc.* , 226 AD3d 957 , 958). In general, "[t]he emergency doctrine does not apply to typical accidents involving rear-end collisions because trailing drivers are required to leave a reasonable distance between their vehicles and vehicles ahead" (*Capuzzo v Miller* , 188 AD3d 1137, 1138 , quoting *Lowhar-Lewis v Metropolitan Transp. Auth.* , 97 AD3d 728 , 729). Here, the plaintiff established, prima facie, that the defendant driver's negligence was a proximate cause of the accident (see *Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 885; *Quinones v Grace Indus., LLC* , 219 AD3d 766). The evidence submitted by the plaintiff in support of her motion, including transcripts of her own deposition testimony and of the defendant driver's deposition testimony established, prima facie, that the plaintiff's vehicle was at a complete stop when the vehicle operated by the defendant driver struck the rear of the plaintiff's vehicle. In opposition, the defendants failed to raise a triable issue of fact as to whether there was a nonnegligent explanation for the happening of the accident or whether the emergency doctrine applied to this case (see *Madrigal v Paragon Motors of Woodside, Inc.* , 236 AD3d at 887; *Kinard v New York City Tr. Auth.* , 233 AD3d at 666). Accordingly, the Supreme Court properly granted that branch of the plaintiff's motion which was for summary judgment on the issue of liability. BRATHWAITE NELSON, J.P., CHRISTOPHER, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court