

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

Alam v. Priority One Ambulance, Inc.

2026 NY Slip Op 03937 (N.Y. Ct. App. 2026) · No. 2025-02180 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order denying defendants' motion for summary judgment in a personal-injury action arising from a motor vehicle accident. The court held that the plaintiff failed to raise a triable issue of fact regarding serious injury because he offered no reasonable explanation for a lengthy gap in medical treatment, including the period before the COVID-19 pandemic.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Lara J. Genovesi, J.; Lourdes M. Ventura, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	June 24, 2026
DOCKET	2025-02180
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendants appealed from an order of the Supreme Court, Kings County, denying their motion for summary judgment dismissing a personal-injury complaint for failure to satisfy New York's serious-injury threshold.
STANDARD OF REVIEW	Summary judgment is appropriate where the movant establishes entitlement to judgment as a matter of law and the opposing party fails to raise a triable issue of fact; on appeal, the court reviews the summary-judgment determination de novo.
PRECEDENTIAL VALUE	Published New York Appellate Division decision; the opinion states that it is uncorrected and subject to revision before publication in the Official Reports.

PARTIES

Priority One Ambulance, Inc., et al. v. Masudul Alam

TOPICS

personal injury

insurance

standard of review

appellate procedure

PRACTICE AREAS

personal injury

insurance

appellate procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment dismissing the personal-injury complaint because Alam failed to establish that he sustained a serious injury within the meaning of Insurance Law § 5102(d).
2. Whether Alam raised a triable issue of fact despite the gap in treatment from January 2019 to March 2021.

HOLDINGS

1. The plaintiff failed to raise a triable issue of fact because neither he nor his physicians offered a reasonable explanation for the lengthy gap in treatment from January 2019 to March 2021.
2. Defendants were entitled to summary judgment dismissing the complaint because the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the accident.

KEY QUOTATIONS

“As the defendants correctly contend, the plaintiff failed to raise a triable issue of fact in opposition to the defendants' motion, as neither he nor his physicians offered a reasonable explanation for the lengthy gap in his treatment from January 2019 to March 2021” ([*1])

FACTUAL BACKGROUND

Alam alleged that he sustained personal injuries in a motor vehicle accident. His treatment extended through January 2019, but there was a lengthy gap in treatment until March 2021. Neither Alam nor his physicians provided a reasonable explanation for the gap, and Alam offered no evidence supporting his contention that treatment stopped because of the COVID-19 pandemic.

PROCEDURAL HISTORY

Masudul Alam commenced an action for personal injuries allegedly sustained in a motor vehicle accident. Defendants moved for summary judgment under Insurance Law § 5102(d), arguing that Alam did not sustain a serious injury as a result of the accident. The Supreme Court, Kings County, denied the motion, and defendants appealed.

DISPOSITION

reversed

CASES CITED

- Pommells v Perez, 4 NY3d 566, 574
- Hwang v Ilgar, 178 AD3d 784, 785
- Atken v Jackson, 164 AD3d 869, 869-870

OPINION

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PER CURIAM.

Alam v Priority One Ambulance, Inc. - 2026 NY Slip Op 03937 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 Alam v Priority One Ambulance, Inc. 2026 NY Slip Op 03937 June 24, 2026 Appellate Division, Second 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. Masudul Alam, respondent, v Priority One Ambulance, Inc., et al., appellants. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 24, 2026 2025-02180, (Index No. 513590/18) Betsy Barros, J.P. Lara J. Genovesi Lourdes M. Ventura Elena Goldberg Velazquez, JJ. Lifflander & Reich LLP, New York, NY (Kent B. Dolan of counsel), for appellants. Paul Ajlouny & Associates, P.C. (The Lucciola Law Group, P.C., New York, NY [Elena Goor Barron], of counsel), for respondent. [*1] DECISION & ORDER In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Kings County (Wavny Toussaint, J.), dated January 21, 2025. The order denied the defendants' motion for summary judgment dismissing the complaint on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the subject accident. ORDERED that the order is reversed, on the law, with costs, and the defendants' motion for summary judgment dismissing the complaint on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the subject accident is granted. The plaintiff commenced this action to recover damages for personal injuries he allegedly sustained in a motor vehicle accident. The defendants moved for summary judgment dismissing the complaint on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the subject accident. In an order dated January 21, 2025, the Supreme Court denied the motion. The defendants appeal. As the defendants correctly contend, the plaintiff failed to raise a triable issue of fact in opposition to the defendants' motion, as neither he nor his physicians offered a reasonable explanation for the lengthy gap in his treatment from January 2019 to March 2021 (see

Pommells v Perez , 4 NY3d 566, 574 ; Hwang v Ilgar , 178 AD3d 784 , 785; Atken v Jackson , 164 AD3d 869 , 869-870). Contrary to the Supreme Court's determination, the plaintiff failed to provide any evidence to support his contention that he stopped treatment due to the COVID-19 pandemic. In any event, the plaintiff failed to offer a reasonable explanation for the gap in his treatment prior to the COVID-19 pandemic. The parties' remaining contentions either are not properly before this Court or need not be addressed in light of our determination. Accordingly, the Supreme Court should have granted the defendants' motion for [*2] summary judgment dismissing the complaint on the ground that the plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102(d) as a result of the accident. BARROS, J.P., GENOVESI, VENTURA and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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