

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

Singh v. BSC, LLC

Singh, 2026 NY Slip Op 03465 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2024-06000 · Decided June 3, 2026

SUMMARY

The New York Appellate Division, Second Department, modified an order denying defendants' motion to compel authorizations for records concerning three prior motor vehicle accidents. The court directed the plaintiff to authorize production of the records to the Supreme Court for in camera inspection to determine whether relevant information should be disclosed, and remitted the matter for that inspection.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Barry E. Warhit, J.; Lourdes M. Ventura, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 3, 2026
DOCKET	2024-06000
DISPOSITION	other
PROCEDURAL POSTURE	The defendants appealed from an order denying their motion to compel the plaintiff to provide authorizations for records concerning three motor vehicle accidents.
STANDARD OF REVIEW	The Appellate Division reviewed the discovery ruling on the facts and in the exercise of its discretion.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	BSC, LLC, et al. v. Pamela Singh

TOPICS

- discovery dispute privilege personal injury civil procedure appellate procedure

PRACTICE AREAS

civil procedure

personal injury

discovery

evidence

QUESTIONS PRESENTED

1. Whether the plaintiff waived the physician-patient privilege as to records from three motor vehicle accidents by placing her right knee injuries in controversy.
2. Whether the requested accident records should be produced directly to the defendants or submitted for an in camera inspection to determine their relevance.

HOLDINGS

1. A plaintiff who affirmatively places a physical condition in controversy must provide authorizations for pertinent medical records, but the physician-patient privilege is not waived as to unrelated illnesses or injuries.

KEY QUOTATIONS

"Material and necessary information is that which is required to be disclosed because it bears upon the controversy at issue and will assist the requesting party in preparing for trial" ([*2])

"However, 'a party does not waive the physician-patient privilege with respect to unrelated illnesses or injuries'" ([*2])

FACTUAL BACKGROUND

Pamela Singh brought a personal-injury action based on two alleged trips and falls in the bedroom of her Brooklyn apartment and claimed an injury to her right knee. She alleged that the injuries were aggravated, accelerated, or exacerbated, and testified that a July 2018 motor vehicle accident had also injured her right knee. After discovering three other motor vehicle accidents, the defendants sought authorizations for related records, but Singh refused to provide them.

PROCEDURAL HISTORY

The plaintiff commenced a personal-injury action in Supreme Court, Kings County, after allegedly tripping and falling twice in her apartment. After learning during and after discovery that the plaintiff had been involved in multiple motor vehicle accidents, the defendants sought authorizations for records relating to three additional accidents. Supreme Court denied the motion, and the Appellate Division modified the order, directed limited authorizations for an in camera inspection, and remitted the matter to Supreme Court.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was remitted to Supreme Court, Kings County, for an in camera inspection of the requested motor vehicle accident records. If the inspection reveals information relevant to the issues in controversy, Supreme Court must enter an order directing that the relevant information be produced to the defendants.

CASES CITED

- M.C. v Sylvia Marsh Equities, Inc., 103 AD3d 676, 678
- Cynthia B. v New Rochelle Hosp. Med. Ctr., 60 NY2d 452, 456-457
- Froehlich v Kimco Realty Corp., 207 AD3d 448, 449
- Romance v Zavala, 98 AD3d 726, 728
- Hamed v Alas Realty Corp., 209 AD3d 628, 629
- Nesbitt v Advanced Serv. Solutions, 173 AD3d 1056, 1058
- Bronstein v Omega Constr. Group, Inc., 221 AD3d 577, 578-579
- Reid v Souls, 114 AD3d 921, 923

OPINION

Singh v. BSC, LLC 2026 NY Slip Op 03465

PER CURIAM.

Singh v BSC, LLC - 2026 NY Slip Op 03465 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 Singh v BSC, LLC 2026 NY Slip Op 03465 June 3, 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. Pamela Singh, respondent, v BSC, LLC, et al., appellants. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 3, 2026 2024-06000, (Index No. 502108/20) Betsy Barros, J.P. Barry E. Warhit Lourdes M. Ventura Donna-Marie E. Golia, JJ. Marshall Dennehey P.C., New York, NY (Diane K. Toner of counsel), for appellants. Kenneth J. Ready, Mineola, NY (John F. Ready 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 (Leon Ruchelsman, J.), dated January 17, 2024. The order denied the defendants' motion, inter alia, to compel the plaintiff to provide authorizations to obtain certain records related to three motor vehicle accidents. ORDERED that the order is modified, on the facts and in the exercise of discretion, by deleting the provision thereof denying that branch of the defendants' motion which was to compel the plaintiff to provide authorizations to obtain certain records related to three motor vehicle accidents, and substituting therefor a provision granting that branch of the motion to the extent of directing the plaintiff to provide the defendants with authorizations to provide the subject records to the Supreme Court for an in camera inspection; as so modified, the order is affirmed, without costs or disbursements, and the matter is remitted to the Supreme Court, Kings County, for an in camera inspection of the subject records to determine

whether any information is contained within the records that is relevant to the issues in controversy in this action and, if so, for the entry of an order directing that such information, if any, shall be produced to the defendants. The plaintiff commenced this action to recover damages for personal injuries she allegedly sustained when, on two separate occasions, she tripped and fell in the bedroom of her apartment in Brooklyn. In the plaintiff's bill of particulars, she alleged that she sustained an injury to her right knee as a result of these accidents. During the plaintiff's deposition, she testified that she had previously been involved in two motor vehicle accidents, one of which occurred in July 2018 and caused her to sustain an injury to her right knee. After the plaintiff's deposition, the defendants learned that the plaintiff had been involved in three other motor vehicle accidents. The defendants demanded that the plaintiff provide authorizations for certain records related to these three motor vehicle accidents. Upon the plaintiff's refusal to provide these authorizations, the defendants moved, inter alia, to compel this discovery. In an order dated January 17, 2024, the Supreme Court denied the defendants' motion. The defendants appeal. CPLR 3101(a) requires "full disclosure of all matter material and necessary in the prosecution or defense of an action." "Material and necessary information is that which is required [*2] to be disclosed because it bears upon the controversy at issue and will assist the requesting party in preparing for trial" (*M.C. v Sylvia Marsh Equities, Inc.* , 103 AD3d 676, 678). "[A] party must provide duly executed and acknowledged written authorizations for the release of pertinent medical records under the liberal discovery provisions of the CPLR when that party has waived the physician-patient privilege by affirmatively putting his or her physical or mental condition in issue" (*Cynthia B. v New Rochelle Hosp. Med. Ctr.* , 60 NY2d 452, 456-457 [citation and footnote omitted]; see *Froehlich v Kimco Realty Corp.* , 207 AD3d 448 , 449). "However, 'a party does not waive the physician-patient privilege with respect to unrelated illnesses or injuries'" (*Froehlich v Kimco Realty Corp.* , 207 AD3d at 449, quoting *Romance v Zavala* , 98 AD3d 726, 728). Here, the plaintiff placed her right knee injuries in controversy by alleging that her injuries were "aggravated, accelerated, and/or exacerbated" (see *Hamed v Alas Realty Corp.* , 209 AD3d 628, 629 ; *Nesbitt v Advanced Serv. Solutions* , 173 AD3d 1056 , 1058). However, it is impossible on this record, based upon, inter alia, the plaintiff's equivocal deposition testimony and statements, to determine whether the requested records are relevant to the issues in controversy. Thus, under these circumstances, we deem it appropriate to remit the matter to the Supreme Court, Kings County, for an in camera inspection of the requested records to determine whether any information is contained within the records that is relevant to the issues in controversy in this action and, if so, for the entry of an order directing that such information, if any, shall be produced to the defendants (see *Bronstein v Omega Constr. Group, Inc.* , 221 AD3d 577, 578-579 ; *Reid v Soultis* , 114 AD3d 921, 923).

BARROS, J.P., WARHIT, VENTURA and GOLIA, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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