

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

Robinson v. Bronx County Pub. Admr.

2025 NY Slip Op 06831 (N.Y. Ct. App. 2025) · No. Index No. 156003/19; Appeal No. 5336; Case No. 2025-02186 · Decided December 9, 2025

SUMMARY

The Appellate Division, First Department unanimously affirmed the denial of summary judgment sought by the Bronx County Public Administrator and GVC Ltd. in a motor-vehicle accident action. The court held that the defendants' evidence did not establish their prima facie entitlement to judgment as a matter of law, and that a bus attendant's affidavit contradicted her deposition testimony.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Scarpulla, J.; Rodriguez, J.; Higgitt, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 9, 2025
DOCKET	Index No. 156003/19; Appeal No. 5336; Case No. 2025-02186
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Supreme Court, New York County, denying the GVC defendants' motion for summary judgment dismissing the complaint against them.
STANDARD OF REVIEW	Summary judgment requires the movant to establish a prima facie entitlement to judgment as a matter of law; failure to meet that prima facie burden requires denial of the motion regardless of the sufficiency of the opposition.
PRECEDENTIAL VALUE	Published
PARTIES	Bronx County Public Administrator, as Administrator of the Estate of Kem F. Delgado, GVC Ltd. v. Kim C. Robinson, Jamil Mohammed, Enaid Cab Trans Corp.

TOPICS

summary judgment

proximate cause

negligence

evidence

PRACTICE AREAS

Torts

Civil Procedure

Appellate Procedure

Evidence

QUESTIONS PRESENTED

1. Whether the GVC defendants established their prima facie entitlement to summary judgment dismissing the complaint.
2. Whether the evidence established as a matter of law that the actions of the taxi operator were the sole proximate cause of the accident.
3. Whether the bus attendant's contradictory affidavit could be relied upon to establish a prima facie case for summary judgment.

HOLDINGS

1. The GVC defendants failed to meet their prima facie burden because the police accident report and repair estimate did not necessarily overcome the plaintiff's testimony that the taxi was stationary before being struck by the bus.
2. The record did not establish as a matter of law that the actions of the taxi operator were the sole proximate cause of the accident.
3. The bus attendant's affidavit, because it contradicted her deposition testimony, could not be relied upon to establish the defendants' prima facie entitlement to summary judgment.

KEY QUOTATIONS

*“There can be more than one proximate cause of an accident” (*1)*

*“could not be relied upon to establish a prima facie case for summary judgment” (*1)*

FACTUAL BACKGROUND

The case arose from a collision between a bus and a taxi. The plaintiff testified that the taxi was stationary for approximately 30 seconds before the bus struck it, while a police accident report and repair estimate contradicted her account that the bus struck the taxi in the rear. A bus attendant submitted an affidavit that contradicted her deposition testimony.

PROCEDURAL HISTORY

The Supreme Court, New York County, entered an order on or about March 27, 2025, denying the motion for summary judgment filed by the Bronx County Public Administrator, as administrator of the Estate of Kem F. Delgado, and GVC Ltd. The defendants appealed, and the Appellate Division, First Department, unanimously affirmed the order insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Matias v. Bello, 165 A.D.3d 642, 643 (2d Dep't 2018)
- Tucker v. New York City Hous. Auth., 127 A.D.3d 619, 620 (1st Dep't 2015)
- Winegrad v. New York Univ. Med. Ctr., 64 N.Y.2d 851, 853 (1985)

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