

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

Brindisi v. ARJ Transp., Inc.

Brindisi, 2026 NY Slip Op 02958 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2024-12653 · Decided May 13, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order denying the plaintiff's motion for summary judgment on liability in a rear-end collision personal-injury action. The court held that the defendants' assertion that the plaintiff stopped suddenly, without more, did not provide a nonnegligent explanation sufficient to defeat summary judgment, while any comparative negligence would remain for trial.

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.; William G. Ford, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	May 13, 2026
DOCKET	2024-12653
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order denying his motion for summary judgment on liability in a personal-injury action arising from a rear-end collision.
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 reviewed the denial of summary judgment as a matter of law.
PRECEDENTIAL VALUE	published
PARTIES	Darren Brindisi v. ARJ Transportation, Inc., Emmanuel Jean, et al.

TOPICS

summary judgment

negligence

comparative fault

personal injury

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Brindisi established prima facie entitlement to summary judgment on liability based on evidence that defendants' vehicle struck his stopped vehicle from behind.
2. Whether defendants raised a triable issue of fact on liability by asserting that Brindisi stopped suddenly.
3. Whether any comparative negligence by Brindisi remained for trial despite summary judgment on liability.

HOLDINGS

1. A rear-end collision with a stopped or stopping vehicle establishes a prima facie case of negligence by the rear vehicle's operator, requiring that operator to provide a nonnegligent explanation for the collision.
2. A plaintiff is not required to demonstrate freedom from comparative fault to establish prima facie entitlement to summary judgment on liability.
3. An assertion that the lead vehicle stopped suddenly, standing alone, is insufficient to rebut the inference of negligence arising from a rear-end collision.
4. Any comparative negligence by Brindisi remains to be determined at trial and may offset the amount of damages, but it does not defeat summary judgment on defendants' liability.

KEY QUOTATIONS

“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” ([*1])

“As such, 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, thereby requiring that operator to rebut the inference of negligence by providing a nonnegligent explanation for the collision” ([*1])

“A plaintiff is no longer required to show freedom from comparative fault to establish her or his prima facie entitlement to judgment as a matter of law on the issue of liability” ([*1])

“An assertion that the lead vehicle came to a sudden stop, standing alone, is insufficient to rebut the presumption of negligence on the part of the operator of the rear vehicle” ([*1])

FACTUAL BACKGROUND

Brindisi's vehicle was stopped for traffic conditions when it was struck in the rear by a vehicle driven by Emmanuel Jean and owned or operated by defendants. Brindisi submitted an affidavit stating that his vehicle was stopped because of traffic ahead. Jean asserted that Brindisi stopped suddenly for no apparent reason and without another vehicle slowing or stopping ahead.

PROCEDURAL HISTORY

Darren Brindisi commenced an action for personal injuries after his vehicle was struck from behind by defendants' vehicle. The Supreme Court, Nassau County, denied Brindisi's motion for summary judgment on liability, and the Appellate Division reversed and granted the motion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order denying plaintiff's motion for summary judgment on liability was reversed, and the motion was granted. Comparative negligence, if any, was left to be determined at trial.

CASES CITED

- Martin v. Copado-Esquivel, 226 AD3d 668
- Thompson v. New York City Tr. Auth., 208 AD3d 815
- Rodriguez v. City of New York, 31 NY3d 312
- Despinos-Cadet v. Stein, 209 AD3d 978, 980
- Martinez v. Colonna, 232 AD3d 876, 877
- Perez v. Persad, 183 AD3d 771, 772

OPINION

Brindisi v. ARJ Transp., Inc. 2026 NY Slip Op 02958

PER CURIAM.

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Brindisi v ARJ Transp., Inc.

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May 13, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

Darren Brindisi, appellant,vARJ Transportation, Inc., et al., respondents.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 13, 2026

2024-12653, (Index No.

618240/23)</p> <p>Valerie Brathwaite Nelson, J.P.</p> <p>William G. Ford</p> <p>Janice A. Taylor</p> <p>James P. McCormack, JJ.</p> <div> <p>Levin & Chetkof, LLP, Westbury, NY (Howard A. Chetkof of counsel), for appellant.</p> <p>Johnson Liebman, LLP, New York, NY (Charles D. Liebman of counsel), for respondents.</p> </div> [*1] <p>DECISION & ORDER</p> <p>In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Nassau County (Francis Ricigliano, J.), dated October 2, 2024. The order denied the plaintiff's motion for summary judgment on the issue of liability.</p> <p>ORDERED that the order is reversed, on the law, with costs, and the plaintiff's motion for summary judgment on the issue of liability is granted.</p> <p>The plaintiff commenced this action against the defendants to recover damages for personal injuries that he allegedly sustained when his vehicle was struck in the rear by the defendants' vehicle. The plaintiff moved for summary judgment on the issue of liability. In an order dated October 2, 2024, the Supreme Court denied the plaintiff's motion. The plaintiff appeals.</p> <p>"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" (<i>Martin v Copado-Esquivel</i>, 226 AD3d 668, 669 [internal quotation marks omitted]). "As such, 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, thereby requiring that operator to rebut the inference of negligence by providing a nonnegligent explanation for the collision" (<i>id.</i> [internal quotation marks omitted]). "A plaintiff is no longer required to show freedom from comparative fault to establish her or his prima facie entitlement to judgment as a matter of law on the issue of liability" (<i>Thompson v New York City Tr. Auth.</i>, 208 AD3d 815, 817 [internal quotation marks omitted]; <i>see</i> <i>Rodriguez v City of New York</i>, 31 NY3d 312; <i>Martin v Copado-Esquivel</i>, 226 AD3d at 670).</p> <p>"An assertion that the lead vehicle came to a sudden stop, standing alone, is insufficient to rebut the presumption of negligence on the part of the operator of the rear vehicle" (<i>Martin v Copado-Esquivel</i>, 226 AD3d at 669-670 [alteration and internal quotation marks omitted]; <i>cf.</i> <i>Despinos-Cadet v Stein</i>, 209 AD3d 978, 980), although such an assertion may be sufficient to raise a triable issue of fact on the issue of comparative fault (<i>see</i> <i>e.g.</i>, <i>Martinez v Colonna</i>, 232 AD3d 876, 877; <i>Martin v Copado-Esquivel</i>, 226 AD3d at 670; <i>Thompson v New York City Tr. Auth.</i>, 208 AD3d at 818; <i>Perez v Persad</i>, 183 AD3d 771, 772).</p> <p>Here, the plaintiff met his initial burden as the movant by submitting his affidavit, which demonstrated that the defendant Emmanuel Jean, the driver of the defendants' vehicle, was negligent in striking the plaintiff's vehicle in the rear while the plaintiff's vehicle was stopped for the traffic condition ahead (<i>see</i> <i>Martinez v Colonna</i>, 232 AD3d at 877; <i>Martin v Copado-Esquivel</i>, 226 AD3d at 670; <i>Thompson v New York City Tr. Auth.</i>, 208 AD3d at 818). The defendants submitted an affidavit from Jean in opposition to the plaintiff's motion. Jean asserted that the plaintiff brought his vehicle to a sudden stop for no apparent reason and "without

any vehicle slowing or stopping ahead of plaintiff." In essence, "this explanation amounts to nothing more than a claim that the plaintiff's vehicle came to a sudden stop which, without more, failed to raise a triable issue of fact" as to the defendants' liability (*Perez v Persad*, 183 AD3d at 772; *see* *Martinez v Colonna*, 232 AD3d at 877; *Martin v Copado-Esquivel*, 226 AD3d at 670; *Thompson v New York City Tr. Auth.*, 208 AD3d at 818).

Accordingly, the Supreme Court erred in denying the plaintiff's motion for summary judgment on the issue of liability. Comparative negligence on the part of the plaintiff, if any, which would offset the amount of damages, must abide the trial (*see* *Rodriguez v City of New York*, 31 NY3d at 318-319; *Perez v Persad*, 183 AD3d at 772).

BRATHWAITE NELSON, J.P., FORD, TAYLOR and MCCORMACK, JJ., concur.

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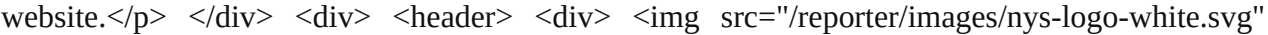
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PER CURIAM.

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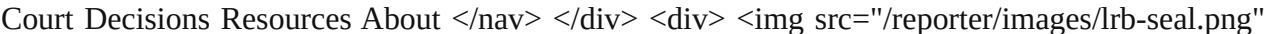
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Darren Brindisi, appellant,

v

ARJ Transportation, Inc., et al., respondents.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 13, 2026

2024-12653, (Index No. 618240/23)

Valerie Brathwaite Nelson, J.P.

William G. Ford

Janice A. Taylor

James P. McCormack, JJ.

Levin & Chetkof, LLP, Westbury, NY (Howard A. Chetkof of counsel), for appellant.

Johnson Liebman, LLP, New York, NY (Charles D. Liebman of counsel), for respondents.

*1

DECISION & ORDER

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Nassau County (Francis Ricigliano, J.), dated October 2, 2024. The order denied the plaintiff's motion for summary judgment on the issue of liability.

ORDERED that the order is reversed, on the law, with costs, and the plaintiff's motion for summary judgment on the issue of liability is granted.

The plaintiff commenced this action against the defendants to recover damages for personal injuries that he allegedly sustained when his vehicle was struck in the rear by the defendants' vehicle. The plaintiff moved for summary judgment on the issue of liability. In an order dated October 2, 2024, the Supreme Court denied the plaintiff's motion. The plaintiff appeals.

"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" (*Martin v Copado-Esquivel*, 226 AD3d 668, 669 [internal quotation marks omitted]). "As such, 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, thereby requiring that operator to rebut the inference of negligence by providing a nonnegligent explanation for the collision" (*id.* [internal quotation marks omitted]). "A plaintiff is no longer required to show freedom from comparative fault to establish her or his prima facie entitlement to judgment as a matter of law on the issue of liability" (*Thompson v New York City Tr. Auth.*, 208 AD3d 815, 817 [internal quotation marks omitted]; *see* *Rodriguez v City of New York*, 31 NY3d 312; *Martin v Copado-Esquivel*, 226 AD3d at 670).

"An assertion that the lead vehicle came to a sudden stop, standing alone, is insufficient to rebut the presumption of negligence on the part of the operator of the rear vehicle" (*Martin v Copado-Esquivel*, 226 AD3d at 669-670 [alteration and internal quotation marks omitted]; *cf.* *Despinos-Cadet v Stein*, 209 AD3d 978, 980), although such an assertion may be sufficient to raise a triable issue of fact on the issue of comparative fault (*see* *e.g.*, *Martinez v Colonna*, 232 AD3d 876, 877; *Martin v Copado-Esquivel*, 226 AD3d at 670; *Thompson v New York City Tr. Auth.*, 208 AD3d at 818; *Perez v Persad*, 183 AD3d 771, 772).

Here, the plaintiff met his initial burden as the movant by submitting his affidavit, which demonstrated that the defendant Emmanuel Jean, the driver of the defendants' vehicle, was negligent in striking the plaintiff's vehicle in the rear while the plaintiff's vehicle was stopped for the traffic condition ahead (*see* *Martinez v Colonna*, 232 AD3d at 877; *Martin v Copado-Esquivel*, 226 AD3d at 670; *Thompson v New York City Tr. Auth.*, 208 AD3d at 818). The defendants submitted an affidavit from Jean in opposition to the plaintiff's motion. Jean asserted that the plaintiff brought his vehicle to a sudden stop for no apparent reason and "without any vehicle slowing or stopping ahead of plaintiff." In essence, "this explanation amounts to nothing more than a claim that the plaintiff's vehicle came to a sudden stop which, without more, failed to raise a triable issue of fact" as to the defendants' liability (*Perez v Persad*, 183 AD3d at 772; *see* *Martinez v Colonna*, 232 AD3d at 877; *Martin v Copado-*

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Accordingly, the Supreme Court erred in denying the plaintiff's motion for summary judgment on the issue of liability. Comparative negligence on the part of the plaintiff, if any, which would offset the amount of damages, must abide the trial (*see Rodriguez v City of New York*, 31 NY3d at 318-319; *Perez v Persad*, 183 AD3d at 772).
BRATHWAITE NELSON, J.P., FORD, TAYLOR and MCCORMACK, JJ., concur.
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PER CURIAM.

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