

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

Parmanand v. Centeno

2025 NY Slip Op 07393 (N.Y. Ct. App. 2025) · No. 2023-01666 · Decided December 31, 2025

SUMMARY

The Appellate Division, Second Department, affirmed an order denying the plaintiff leave to renew prior summary judgment submissions in a wrongful death action arising from a pedestrian’s death after being struck by a vehicle. The court held that the plaintiff failed to show that the omitted police report would have changed the prior determinations, as required for renewal under CPLR 2221(e).

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Valerie Brathwaite Nelson, J.; Janice A. Taylor, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 31, 2025
DOCKET	2023-01666
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiff appealed from an order denying leave to renew her prior cross-motion for summary judgment on liability and her opposition to the defendants' motion for summary judgment.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Raywatie Parmanand v. Lesley Ann Centeno, Robert Centeno, Jr.

TOPICS

- motion for reconsideration
- summary judgment
- wrongful death
- civil procedure
- appellate procedure

PRACTICE AREAS

- civil procedure
- wrongful death
- appellate procedure

QUESTIONS PRESENTED

1. Whether the plaintiff established grounds for leave to renew her prior cross-motion for summary judgment on liability and her opposition to the defendants' summary-judgment motion.
2. Whether the newly submitted police report constituted new material that would have changed the prior determinations and whether the plaintiff reasonably justified its omission from the prior submissions.

HOLDINGS

1. Leave to renew requires new facts not offered on the prior motion that would change the prior determination and a reasonable justification for failing to present those facts previously; the plaintiff failed to satisfy that standard.

KEY QUOTATIONS

“A motion for leave to renew shall be based upon new facts not offered on the prior motion that would change the prior determination and shall contain reasonable justification for the failure to present such facts on the prior motion” ([*1])

FACTUAL BACKGROUND

In May 2017, the decedent was taken by ambulance to Jamaica Hospital Medical Center for severe intoxication and a minor head injury and was discharged at approximately 2:00 a.m. Shortly afterward, he attempted to cross the adjacent Van Wyck Expressway on foot and was struck and killed by a vehicle driven by Lesley Ann Centeno and allegedly owned by Robert Centeno, Jr. The plaintiff brought a wrongful-death action and later sought renewal after discovering that a police report had been inadvertently omitted from her earlier submissions.

PROCEDURAL HISTORY

The Centeno defendants moved for summary judgment dismissing the wrongful-death complaint and cross-claims, while the plaintiff cross-moved for summary judgment on liability. The Supreme Court, Queens County, granted the defendants' motion and denied the plaintiff's cross-motion in an August 9, 2022 order. The plaintiff then sought leave to renew based on an inadvertently omitted police report; the court denied renewal in a January 13, 2023 order, and the Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Bank of N.Y. Mellon Trust Co., N.A. v. Talukder, 176 A.D.3d 772, 773
- Pixtun-Suret v. Gevinski, 165 A.D.3d 715

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-new-york-appellate-division-second-judicial-department-supreme-court-o/2025/parmanand-v-centeno-oi8y83b4>