

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

Diaz v. Jhedrian Logistics Corp.

Diaz, 2026 NY Slip Op 02104 (Supreme Court of the State of New York Appellate Division Second Department 2026) · No. 2024-12886 · Decided April 8, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order denying Jose Arce's motion for summary judgment in a personal-injury action arising from a motor vehicle accident. The court held that Arce established prima facie that he was not at fault and that the plaintiffs failed to raise a triable issue of fact or show that the motion was premature.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Hector D. Lasalle, P.J.; Francesca E. Connolly, J.; Lourdes M. Ventura, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 8, 2026
DOCKET	2024-12886
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant Jose Arce appealed from an order denying his motion for summary judgment dismissing the personal-injury complaint insofar as asserted against him.
STANDARD OF REVIEW	Summary judgment is appropriate where the movant establishes prima facie entitlement to judgment as a matter of law and the opposing party fails to raise a triable issue of fact.
PRECEDENTIAL VALUE	published
PARTIES	Jose Arce v. Glenda Ortega Diaz, et al.

TOPICS

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negligence

summary judgment

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appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Arce established prima facie entitlement to summary judgment by demonstrating that he was not at fault in the motor vehicle accident.
2. Whether the plaintiffs raised a triable issue of fact or demonstrated that Arce's motion was premature.

HOLDINGS

1. A defendant moving for summary judgment in a negligence action must establish prima facie that he or she was not at fault in the accident. Arce met that burden by submitting an affidavit demonstrating that he was not at fault.
2. The plaintiffs failed to raise a triable issue of fact and failed to demonstrate that the motion was premature.

KEY QUOTATIONS

"A defendant moving for summary judgment in a negligence action has the burden of establishing, prima facie, that he or she was not at fault in the happening of the subject accident" ([*1])

FACTUAL BACKGROUND

The plaintiffs were passengers in a vehicle operated by Jose Arce when the vehicle was allegedly struck in the rear by a vehicle owned by Jhedrian Logistics Corp. The plaintiffs sought damages for personal injuries allegedly sustained in the accident. Arce submitted an affidavit stating that he was not at fault in causing the accident.

PROCEDURAL HISTORY

The plaintiffs commenced an action for personal injuries allegedly sustained in a motor vehicle accident. Arce moved for summary judgment, but the Supreme Court, Queens County, denied the motion on September 16, 2024. The Appellate Division reversed and granted Arce summary judgment.

DISPOSITION

reversed

CASES CITED

- Boulos v. Lerner-Harrington, 124 AD3d 709, 709
- Witonsky v. New York City Tr. Auth., 145 AD3d 938, 939
- Service v. McCoy, 131 AD3d 1038, 1039
- Forte v. City of New York, 237 AD3d 1164, 1165

- Fieldman v. Bambi Assoc., Inc., 231 AD3d 790, 791

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