

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

Robinson v. DeSouza

Robinson, 2026 NY Slip Op 03408 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Index No. 21579/20; Appeal Nos. 6756-6757; Case Nos. 2024-05108, 2025-05193 ·
Decided June 2, 2026

SUMMARY

The Appellate Division, First Department, held that the plaintiff, an innocent taxi passenger, was entitled to summary judgment finding no culpable conduct by her. However, the evidence raised triable issues regarding which driver caused the collision, so the court vacated the finding of liability against the City defendants and dismissed as academic the appeal concerning denial of renewal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kapnick, J.; González, J.; Shulman, J.; Chan, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	June 2, 2026
DOCKET	Index No. 21579/20; Appeal Nos. 6756-6757; Case Nos. 2024-05108, 2025-05193
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from an order granting plaintiff's motion for summary judgment on liability and appeal from a subsequent order denying the City's motion for leave to renew.
STANDARD OF REVIEW	De novo review of the summary-judgment determination and review of the denial of leave to renew; the court applied the law governing summary judgment and whether triable issues of fact existed.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	John J. Hermanowski, Metropolitan Transportation Authority, MTA Metro-North Railroad, City of New York v. Lisa M. Robinson

TOPICS

summary judgment

negligence

comparative fault

appellate procedure

mootness

PRACTICE AREAS

torts

motor vehicle negligence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether an innocent passenger is entitled to summary judgment finding that she was not culpable for a collision.
2. Whether the innocent passenger was entitled to summary judgment imposing liability on the City defendants when the evidence presented conflicting accounts of how the collision occurred.
3. Whether the City's appeal from the denial of its motion for leave to renew was academic after the liability determination was modified.

HOLDINGS

1. An undisputedly innocent passenger cannot be found at fault under any version of the collision and is therefore entitled to summary judgment finding that she was not culpable.
2. An innocent passenger is not entitled to summary judgment against a defendant driver or vehicle owner merely by establishing the passenger's own lack of culpable conduct; the passenger must also establish the targeted defendant's liability under traditional tort principles.
3. The City's appeal from the denial of its motion for leave to renew was academic in light of the modification vacating the City's liability finding.

KEY QUOTATIONS

“There is no dispute that plaintiff was an innocent passenger and cannot be found at fault under any version of how this collision occurred.” ([*1])

“However, to obtain summary judgment against the City defendants, plaintiff was still required to establish Hermanowski's liability under traditional principles of tort liability.” ([*1])

FACTUAL BACKGROUND

Lisa M. Robinson was an innocent rear-seat passenger in a taxi owned by American United Transportation Inc. and operated by John J. DeSouza. The taxi collided with a City-owned truck operated by John J. Hermanowski. DeSouza and Hermanowski each claimed that the other improperly merged and struck the side of the other's vehicle. The evidence left triable issues concerning how the collision occurred and whether Hermanowski or the DeSouza defendants caused it.

PROCEDURAL HISTORY

Supreme Court, Bronx County, granted Lisa M. Robinson's motion for summary judgment on liability against John J. Hermanowski, the Metropolitan Transportation Authority, MTA Metro-North Railroad, and the City of New York. The Appellate Division modified the order to find only that Robinson was not culpable and vacated

the City's liability finding. The court dismissed as academic the City's appeal from the order denying its motion for leave to renew.

DISPOSITION

other

CASES CITED

- Hobbs v. MTA Bus Co., 211 AD3d 471, 472 (1st Dept 2022)
- Bajaha v. Mercy Care Transp., Inc., 172 AD3d 416, 419 (1st Dept 2019)
- Valley Natl. Bank v. Community Prot. Church of Co-op City, Inc., 245 AD3d 433, 434 (1st Dept 2026)

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