

195 A.D.3d 924  
Supreme Court, Appellate Division, Second  
Department, New York.

John MILES, appellant,  
v.  
Lester WALSH, et al., respondents.

2019-09764  
|  
(Index No. 615164/18)  
|  
Submitted—May 27, 2021  
|  
June 23, 2021

\*\*\* Start Section

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#### Attorneys and Law Firms

Gruenberg Kelly Della, Ronkonkoma, N.Y. ([Zachary M. Beriloff](#) of counsel), for appellant.

**Scahill** Law Group, P.C., Bethpage, N.Y. (Keri A. Wehrheim of counsel), for respondent.

[REINALDO E. RIVERA, J.P.](#), [LEONARD B. AUSTIN](#),  
[COLLEEN D. DUFFY](#), [BETSY BARROS](#), JJ.

#### DECISION & ORDER

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Vincent J. Martorana, J.), dated August 9, 2019. The order, insofar as appealed from, denied that branch of the plaintiff's motion which was, in effect, for summary judgment dismissing the defendants' affirmative defense alleging comparative negligence on the part of the plaintiff.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The plaintiff allegedly sustained personal injuries when his vehicle was struck by the defendants' vehicle....