

PART 03

Case Disposed	<input type="checkbox"/>
Settle Order	<input type="checkbox"/>
Schedule Appearance	<input type="checkbox"/>

**Q.W.**  
 SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF BRONX:

ROJAS, RAFAEL

Index No. 0020270/2001

-against-

Hon. LARRY S. SCHACHNER

COATS, ABLERTO

Justice.

The following papers numbered 1 to 5 Read on this motion, SUMMARY JUDGMENT DEFENDANT  
 Noticed on March 05 2010 and duly submitted as No. 16 on the Motion Calendar of May 6, 2010

	PAPERS NUMBERED
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1
Answering Affidavit and Exhibits	2
Replying Affidavit and Exhibits	3, 4, 5
Affidavits and Exhibits	
Pleadings - Exhibit	
Stipulation(s) - Referee's Report - Minutes	
Filed Papers	
Memoranda of Law	

Upon the foregoing papers this motion and cross motion are consolidated and disposed of as follows: As the EBT testimony of both Plaintiff and Coats indicate that both vehicles were aware that the subject traffic light was malfunctioning, that both cars stopped prior to entering the intersection and that each driver entered the intersection without relying on the subject light, both Welsbach and the City are entitled to Summary Judgment dismissing the claims against them.

Accordingly since the traffic signal was not the proximate cause of the accident the court is constrained to grant both motions to dismiss.

Motion is Respectfully Referred to:

Justice:

Dated:

Dated: 5/10/10

Hon.

LARRY S. SCHACHNER, J.S.C.