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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 144 SSM 16  
Diomara DeJesus, &c.,  
Appellant,  
v.  
Jose J. Alba, et al.,  
Respondents.

Submitted by Martin S. Rothman, for appellant.  
Submitted by Gilbert J. Hardy, for respondents.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order affirmed, with costs, and certified question not answered  
upon the ground that it is unnecessary. The Appellate Division  
properly concluded that no triable issues of fact existed whether  
defendant driver acted prudently under the circumstances. Chief  
Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott  
and Jones concur.

Decided May 6, 2010