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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 122 SSM 8
John R. Linton, et al.,
Respondents,
v.
Muhammad Nawaz, et al.,
Appellants.

Submitted by Stacy R. Seldin, for appellants.
Submitted by Peter J. Eliopoulos, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs, and the certified question answered in the
affirmative.

In this personal injury case in which a taxi struck the
plaintiff, the evidence plaintiff proffered relating to injuries

to his right shoulder and lumbosacral spine raised a triable question of fact as to whether he suffered a serious injury that was causally related to the accident under the permanent consequential limitation of use of a body organ or member and/or significant limitation of a body function or system criteria (see Insurance Law § 5102[d]). Since plaintiff established that at least some of his injuries meet the "No Fault" threshold, it is unnecessary to address whether his proof with respect to other injuries he allegedly sustained would have been sufficient to withstand defendants' motion for summary judgment.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided April 6, 2010