

Decision and Order of the Honorable Kenneth L. Thompson,  
dated July 9, 2008, Appealed From

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX IA 20  
ISRAEL RAMOS,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

Index No. 18798/99

DECISION/ORDER

Present:  
HON. KENNETH L. THOMPSON, Jr.

The following papers numbered 1 to \_\_\_ read on this motion, \_\_\_\_\_

No	On Calendar of	PAPERS NUMBERED
	Notice of Motion-Order to Show Cause - Exhibits and Affidavits Annexed-----	1-2
	Answering Affidavit and Exhibits-----	3-4
	Replying Affidavit and Exhibits-----	5
	Affidavit-----	
	Pleadings - Exhibit-----	
	Stipulation -- Referee's Report --Minutes-----	
	Filed papers-----	

Upon the foregoing papers and due deliberation thereof, the Decision/Order on this motion is as follows:

Defendant's motion for order directing that judgment be entered in favor of the defendant, The City of New York, as a matter of law is granted. "Plaintiff failed to prove by a preponderance of the credible evidence that it was the defendant police officers conduct that was proximate cause of the accident and not the criminal conduct of Brian Morales. See Campbell v. City of Elimira, 84 NY2d 505; Saarinen v. Kerr, 84 NY2d 494 and also Strobel v. State of New York, 30 NY2d 629, aff'd without op. 36 AD2d 485.

The foregoing shall constitute the decision and order of this Court.

Dated: JUL 09 2008

RECEIVED  
BRONX COUNTY CLERK'S OFFICE

JUL 11 2008

J.S.C.

PAID

NO FEE  
KENNETH L. THOMPSON JR.