

NEW YORK SUPREME COURT - COUNTY OF QUEENS

IAS PART 19

Present: Hon. Pam Jackman Brown, JSC

-----X
THERESA CARELLI,

Plaintiff,

-against-

**BOLLA OIL CORP., THOMAS DELLARATTA,
JORGE CHEVEZ, MARCO ESPINOZA,
GILLIAM ELSTON, DANIEL SEABOLD,
HERBER REYES and ELVI DEE REYES,**

Defendants.
-----X

Index No. 710448/2017

Motion Date: 4/30/18

Cal. No. 8

Mot. Seq. No.: 2

Recitation, as required by CPLR § 2219(a), of the following papers numbered 32 to 42 and 52 to 61, and 73 to 76 read on this motion by Defendants Daniel Seabold and Gilliam Elston s/h/a Gilliam Elston fro an Order pursuant to CPLR § 3212 granting summary judgment to defendants Daniel Seabold and Gilliam Elston s/h/a Gilliam Elston, dismissing the complaint and cross claims asserted against them on the ground that the record contains no facts upon which the defendants, Daniel Seabold and Gilliam Elston s/h/a Gilliam Elston can be found liable for the action that gave rise to this action; and read on this Cross-Motion by Defendants Herber Reyes and Elvi Dee Reyes for an Order pursuant to CPLR § 3212 granting summary judgment to Defendants Herber Reyes and Elvi Dee Reyes, dismissing the complaint and all cross claims asserted against them, based upon the grounds that the undisputed facts on the record establish that the defendant cannot be found liable for the occurrence of this incident.

	<u>PAPERS NUMBERED</u>	
	Papers	Exhibits
Notice of Motion - Exhibits and Affidavits Annexed	32-33	34-42
Notice of Cross-Motion- Exhibits and Affidavits Annexed	52-54	55-61
Affirmation in Opposition	73	
Reply Affirmation	74-75	

Reply Affirmation	76	

Upon the papers listed above, this Notice of Motion is hereby decided in accordance with this Decision/Order.

Upon the foregoing papers and after conference with the Court on April 30, 2018, it is ordered that the motion by Defendants for an Order granting Defendants Daniel Seabold and Gillian Elston s/h/a Gilliam Elston summary judgment pursuant to CPLR § 3212, on the grounds that Defendants are not liable for the accident is granted. Additionally, it is further ordered that the cross-motion by Defendants for an Order granting Defendants Elvi Dee Reyes and Herber Reyes summary judgment pursuant to CPLR § 3212, on the grounds that Defendants are not liable for the accident is granted without opposition.

Dated: April 30th, 2018
 Jamaica, NY


 HON. PAM JACKMAN BROWN, JSC

FILED
 MAY 2 2018
 COUNTY CLERK
 QUEENS COUNTY