



**Jacobs v Metropolitan Transp. Auth.**

Supreme Court of New York, Appellate Division, First Department

May 9, 2019, Decided; May 9, 2019, Entered

9287, 154652/14E

**Reporter**

2019 N.Y. App. Div. LEXIS 3687 \*; 2019 NY Slip Op 03689 \*\*; 2019 WL 2031106

[\*\*1] Sander Jacobs, Plaintiff-Appellant, v  
Metropolitan Transportation Authority, et al.,  
Defendants-Respondents.

**Notice:** THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING RELEASE OF THE FINAL PUBLISHED VERSION. THIS OPINION IS UNCORRECTED AND SUBJECT TO REVISION BEFORE PUBLICATION IN THE OFFICIAL REPORTS.

**Prior History:** [Jacobs v. Metropolitan Transp. Auth., 2018 N.Y. Misc. LEXIS 1287 \(N.Y. Sup. Ct., Apr. 5, 2018\)](#)

**Counsel:** [\*1] Morelli Law Firm PLLC, New York (Sara A. Mahoney of counsel), for appellant.

Lewis Brisbois Bisgaard & Smith LLP, New York (James M. Strauss of counsel), for respondents.

**Judges:** Friedman, J.P., Renwick, Kapnick, Kahn, Oing, JJ.

**Opinion**

---

Order, Supreme Court, New York County (Kathryn E. Freed, J.), entered April 13, 2018, which granted defendants' motion for summary judgment dismissing the complaint, unanimously affirmed, without costs.

Summary judgment was properly granted in this action where plaintiff was injured while attempting to disembark a bus from the rear emergency door. The record shows that defendants satisfied the duty of a common carrier to provide a clear, direct and safe path

of egress, namely the front door of the bus (*see Abraham v Port Auth. of N.Y. & N.J., 29 AD3d 345, 347, 815 N.Y.S.2d 38 [1st Dept 2006]; Blye v Manhattan & Bronx Surface Tr. Operating Auth., 124 AD2d 106, 109, 511 N.Y.S.2d 612 [1st Dept 1987], aff'd 72 NY2d 888, 528 N.E.2d 1225, 532 N.Y.S.2d 752 [1988]*).

We have considered plaintiff's remaining arguments and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MAY 9, 2019

---

End of Document