



SCHOOL BUS DRIVER ALLEGEDLY GESTURED TO PLAINTIFF TO MAKE A TURN AND PLAINTIFF’S VEHICLE WAS THEN STRUCK BY ANOTHER VEHICLE; THE SCHOOL DISTRICT’S MOTION FOR SUMMARY JUDGMENT WAS PROPERLY DENIED (SECOND DEPT).

The Second Department determined the school district’s motion for summary judgment in this intersection traffic accident case was properly denied. Plaintiff alleged the school bus driver gestured to plaintiff to make a turn and plaintiff’s car was then struck by another car (driven by defendant Mallon) going through the intersection:

“When one driver chooses to gratuitously signal to another person, indicating that it is safe to proceed or that the signaling driver will yield the right-of-way, the signaling driver assumes a duty to do so reasonably under the circumstances” Here, the School District failed to establish, prima facie, that the plaintiff did not rely on the bus driver’s gesture that it was safe for the plaintiff to make his left turn The School District also failed to establish, prima facie, that the defendant driver’s alleged negligent conduct in operating Mallon’s vehicle constituted an intervening and superseding act which broke the causal nexus between the bus driver’s alleged negligence and the plaintiff’s injuries [Pittman v Ball, 2020 NY Slip Op 01944, Second Dept 3-18-20](#)