

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13544
W/cb

_____AD3d_____

Argued - December 12, 2006

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
DAVID S. RITTER
DANIEL D. ANGIOLILLO, JJ.

2006-00450

DECISION & ORDER

In the Matter of John Doe, appellant, v Suffolk
County Department of Social Services, et al.,
respondents.

(Index No. 05-18607)

Proskauer Rose, LLP, New York, N.Y. (Peter J.W. Sherwin, Jerry L. Dasti, and Sylvia Rivera Law Project [Pooja Gehi] of counsel; Jody Marksamer on the brief), for appellant.

Christine Malafi, County Attorney, Hauppauge, N.Y. (Jennifer K. McNamara of counsel), for respondents.

In a proceeding pursuant to General Municipal Law § 50-e for leave to serve a late notice of claim, the petitioner appeals, as limited by his brief, from so much of from an order of the Supreme Court, Suffolk County (Werner, J.), dated December 6, 2005, as denied the petition.

ORDERED that the order is affirmed insofar as appealed from, with costs.

In support of the application for leave to serve a late notice of claim pursuant to General Municipal Law § 50-e, the petitioner failed to demonstrate a reasonable excuse for failing to serve a timely notice of claim, or that the public corporation acquired actual knowledge of the facts constituting the claim within 90 days of its accrual or a reasonable time thereafter (*see* General Municipal Law § 50-e[5]; *Matter of Williams v County of Suffolk*, 31 AD3d 778; *Matter of Sica v*

January 23, 2007

Page 1.

MATTER OF DOE v SUFFOLK COUNTY
DEPARTMENT OF SOCIAL SERVICES

Board of Educ. of City of N.Y., 226 AD2d 542). Thus, the Supreme Court providently exercised its discretion in denying such relief.

RIVERA, J.P., SPOLZINO, RITTER and ANGIOLILLO, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court