

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

D16346  
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Submitted - May 30, 2007

STEPHEN G. CRANE, J.P.  
FRED T. SANTUCCI  
ANITA R. FLORIO  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2006-10090

DECISION & ORDER

Cleonie Sinclair, respondent, v State of  
New York, appellant.

(Claim No. 110404)

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Andrew M. Cuomo, Attorney General, Albany, N.Y. (Peter H. Schiff and Michael S.  
Buskus of counsel), for appellant.

John J. Appell, New York, N.Y., for respondent.

In a claim to recover damages for personal injuries, the defendant appeals from an order of the Court of Claims (Waldon, J.), dated August 17, 2006, which denied its motion to dismiss the claim as jurisdictionally defective and granted the claimant's cross motion for leave to amend the claim to add further specific allegations.

ORDERED that the order is affirmed, without costs or disbursements.

In light of the recent amendment of Court of Claims Act § 11(b) (L 2007, ch 606, § 1), retroactively abrogating *Kolnacki v State of New York* (8 NY3d 277), the instant claim was not jurisdictionally defective notwithstanding the absence of an ad damnum clause.

September 25, 2007

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The defendant's remaining contentions are without merit, or need not be addressed in light of our determination.

CRANE, J.P., SANTUCCI, FLORIO, DILLON and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer  
Clerk of the Court