

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

D21145  
C/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 29, 2008

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
HOWARD MILLER  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2008-04146

DECISION & ORDER

In the Matter of Christine Adami, etc., respondent,  
v Warwick Valley Central School District,  
etc., appellant.

(Index No. 11379/07)

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Ahmuty Demers & McManus (Congdon, Flaherty, O'Callaghan, Reid, Donlon, Travis  
& Fishlinger, Uniondale, N.Y. [Gregory A. Cascino], of counsel), for appellant.

Jeffrey P. Clemente, Narrowsburg, N.Y., for respondent.

In a proceeding pursuant to General Municipal Law § 50-e(5) for leave to serve a late notice of claim, Warwick Valley Central School District appeals from an order of the Supreme Court, Orange County (Slobod, J.), dated April 7, 2008, which granted the petition.

ORDERED that the order is affirmed, with costs.

Under the circumstances of this case, the Supreme Court providently exercised its discretion in granting the petition pursuant to General Municipal Law § 50-e(5) for leave to serve a late notice of claim (*see Matter of Leeds v Port Washington Union Free School Dist.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2008 NY Slip Op 07914 [2d Dept 2008]; *Matter of Melissa G. v North Babylon*

November 18, 2008

Page 1.

MATTER OF ADAMI v WARWICK VALLEY CENTRAL SCHOOL DISTRICT

*Union Free School Dist.*, 50 AD3d 901).

SPOLZINO, J.P., SANTUCCI, MILLER, DICKERSON and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court