

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

D21383
W/prt

_____AD3d_____

Submitted - November 12, 2008

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

2008-01400

DECISION & ORDER

In the Matter of Dexter Stinson, appellant, v
Westchester Health Care Corporation, et al.,
respondents.

(Index No. 20987/07)

Trolman, Glaser & Lichtman, P.C., New York, N.Y. (Michael T. Altman of counsel),
for appellant.

Kanterman, O'Leary & Soscia, LLP, White Plains, N.Y. (Carl A. Formicola of
counsel), for respondents.

In a proceeding pursuant to General Municipal Law § 50-e (5) for leave to serve a late
notice of claim, the petitioner appeals from an order of the Supreme Court, Westchester County
(Lefkowitz, J.), entered January 9, 2008, which denied the petition and dismissed the proceeding.

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

Under the circumstances of this case, the Supreme Court did not improvidently
exercise its discretion in denying the petition and dismissing the proceeding (*see Williams v Nassau
County Med. Ctr.*, 6 NY3d 531, 538).

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

ENTER:


James Edward Pelzer
Clerk of the Court

December 9, 2008

MATTER OF STINSON v WESTCHESTER HEALTH CARE CORPORATION