

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

D22303  
G/hu

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

Argued - January 22, 2009

STEVEN W. FISHER, J.P.  
MARK C. DILLON  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

---

2008-07532

DECISION & ORDER

Edna B. Jackson, appellant, v State of New York,  
respondent.

(Claim No. 113247)

---

Ornstein & Ornstein, P.C. (Pollack, Pollack, Isaac & De Cicco, New York, N.Y.  
[Brian J. Isaac and Diane K. Toner], of counsel), for appellant.

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

In a claim to recover damages for personal injuries, the claimant appeals, as limited by her brief, from so much of an order of the Court of Claims (Soto, J.), dated November 16, 2007, as denied her motion, inter alia, to deem her claim timely served or, in the alternative, in effect, for leave to file a late claim.

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

The Court of Claims providently exercised its discretion in denying, in effect, that branch of the claimant's motion which was for leave to file a late claim in the absence of a reasonable excuse for the delay, or any proof of merit (*see Scott v Uljanov*, 74 NY2d 673; *Caso v St. Francis Hosp.*, 34 AD2d 714; *Hardman v Long Is. Urological Assocs.*, 253 AD2d 849; *Stanley v Lebetkin*, 123 AD2d 854). The claimant's remaining contentions are either not properly before this Court or without merit.

FISHER, J.P., DILLON, BELEN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

March 3, 2009

JACKSON v STATE OF NEW YORK