

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**1196**

**CA 14-00316**

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, CARNI, AND SCONIERS, JJ.

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ANTOINETTE BLACK, AS TEMPORARY ADMINISTRATOR OF  
THE ESTATE OF SERGIO BLACK, DECEASED,  
CLAIMANT-RESPONDENT-APPELLANT,

V

ORDER

STATE OF NEW YORK, DEFENDANT-APPELLANT-RESPONDENT.  
(CLAIM NO. 115567.)  
(APPEAL NO. 1.)

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ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (ROBERT M. GOLDFARB OF  
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

FRANZBLAU DRATCH, P.C., NEW YORK CITY (STEPHEN N. DRATCH OF COUNSEL),  
FOR CLAIMANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Court of Claims  
(Diane L. Fitzpatrick, J.), entered February 20, 2013. The order  
determined that, for the purposes of determining the discount rate  
under CPLR 5031, the date of decision is March 30, 2012.

It is hereby ORDERED that said appeal and cross appeal are  
unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke &  
Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*,  
63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: February 13, 2015

Frances E. Cafarell  
Clerk of the Court