

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

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**CA 12-01590**

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ.

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FRANK C. SLAZYK, AS REPRESENTATIVE OF  
THE ESTATE OF ROSE SLAZYK, DECEASED AND  
FRANK N. SLAZYK, PLAINTIFFS-APPELLANTS,

V

ORDER

JOYCE DAVOLI, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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PETER BARTLETT NICELY, BUFFALO, FOR PLAINTIFFS-APPELLANTS.

DIMATTEO LAW OFFICE, WARSAW (DAVID M. ROACH OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), granted April 4, 2012. The order granted defendant's motion for summary judgment dismissing the complaint.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: February 7, 2014

Frances E. Cafarell  
Clerk of the Court