

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

671

CA 08-01924

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, PERADOTTO, AND GREEN, JJ.

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BRANDY B., INDIVIDUALLY AND AS MOTHER AND  
NATURAL GUARDIAN OF BRENN A B., AN INFANT,  
PLAINTIFF,

V

MEMORANDUM AND ORDER

EDEN CENTRAL SCHOOL DISTRICT, ET AL., DEFENDANTS.

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EDEN CENTRAL SCHOOL DISTRICT AND EDEN CENTRAL  
SCHOOL DISTRICT BOARD OF EDUCATION, THIRD-PARTY  
PLAINTIFFS-APPELLANTS,

V

JOHN ZAJAC AND KAREN ZAJAC, AS FOSTER PARENTS AND  
GUARDIANS TO ROBERT FELVUS, AN INFANT,  
THIRD-PARTY DEFENDANTS-RESPONDENTS,  
ET AL., THIRD-PARTY DEFENDANT.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA, LLP, BUFFALO (JULIE PASQUARIELLO APTER OF COUNSEL),  
FOR THIRD-PARTY PLAINTIFFS-APPELLANTS.

LAW OFFICE OF EPSTEIN & HARTFORD, WILLIAMSVILLE (JENNIFER V.  
SCHIFFMACHER OF COUNSEL), FOR THIRD-PARTY DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J.), entered June 6, 2008 in a personal injury action. The order granted the motion of third-party defendants John Zajac and Karen Zajac, as foster parents and guardians to Robert Felvus, an infant, for summary judgment dismissing the third-party complaint against them.

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

Same Memorandum as in *Brandy B. v Eden Cent. School Dist.* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [June 5, 2009]).

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court