

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

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CA 08-00921

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

DARLTON CLARKE AND PATRICIA SHAW,
PLAINTIFFS-RESPONDENTS,

V

ORDER

CITY OF SYRACUSE AND CITY OF SYRACUSE FIRE
DEPARTMENT, DEFENDANTS-APPELLANTS.

RORY A. MCMAHON, CORPORATION COUNSEL, SYRACUSE (JENNIFER E. SAVION OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

Appeal from an order of the Supreme Court, Onondaga County
(Donald A. Greenwood, J.), entered March 27, 2008 in a personal injury
action. The order, insofar as appealed from, denied the motion of
defendants for summary judgment dismissing the complaint.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court