

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

1265

CA 08-02292

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

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DALE J. MORRIS, INDIVIDUALLY AND AS PARENT AND  
NATURAL GUARDIAN OF STEPHANIE MORRIS, AN INFANT,  
CLAIMANT-APPELLANT,

V

ORDER

STATE OF NEW YORK, DEFENDANT-RESPONDENT.  
(CLAIM NO. 106569.)

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HURWITZ & FINE, P.C., BUFFALO (V. CHRISTOPHER POTENZA OF COUNSEL), AND  
BURDEN, GULISANO & HICKEY, LLC, FOR CLAIMANT-APPELLANT.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, ALBANY (BENJAMIN F.  
NEIDL COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Court of Claims (Jeremiah J. Moriarty, III, J.), entered October 9, 2008 in a personal injury action. The judgment dismissed the claim after a trial on liability.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court