

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

1637

CA 09-00973

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

SCOTT M. HARVEY AND JOHANNA HARVEY,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

NICOLE M. GAULIN, DEFENDANT.

COUNTY OF ORLEANS, APPELLANT.
(APPEAL NO. 1.)

WEBSTER SZANYI LLP, BUFFALO (JEREMY A. COLBY OF COUNSEL), FOR
APPELLANT.

HANDELMAN, WITKOWICZ & LEVITSKY, ROCHESTER (STEVEN M. WITKOWICZ OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from a decision (denominated memorandum and decision) of
the Supreme Court, Orleans County (James H. Dillon, J.), entered
September 23, 2008 in a personal injury action. The decision stated
that the court would allow the late filings of the notice of claim.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Same Memorandum as in *Harvey v Gaulin* ([appeal No. 2] ___ AD3d
___ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court