

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

1026.1

CA 11-00978

PRESENT: CENTRA, J.P., FAHEY, SCONIERS, GREEN, AND MARTOCHE, JJ.

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MICHAEL J. LOGRASSO AND PATRICIA A. LOGRASSO,  
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

CITY OF TONAWANDA, CITY OF TONAWANDA POLICE  
DEPARTMENT AND MICHAEL E. ROGERS,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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WEBSTER SZANYI LLP, BUFFALO (RYAN G. SMITH OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

O'BRIEN BOYD, P.C., WILLIAMSVILLE (STEPHEN BOYD OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County  
(Christopher J. Burns, J.), entered March 16, 2011 in a personal  
injury action. The order 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.

Same Memorandum as in *LoGrasso v City of Tonawanda* ([appeal No.  
1] \_\_\_ AD3d \_\_\_ [Sept. 30, 2011]).

Entered: September 30, 2011

Patricia L. Morgan  
Clerk of the Court