



On these facts, the courts below acted within their discretion in granting plaintiff's motion for permission to serve a late notice of claim (see General Municipal Law § 50-e; Williams v Nassau County Med. Ctr., 6 NY3d 531, 538 [2006]). Similarly, the courts below did not abuse their discretion by granting plaintiff's motion to discontinue the action without prejudice to renewal when the full extent of plaintiff's injuries are ascertainable (see CPLR 3217).

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided May 6, 2008