

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D56863
C/htr

____AD3d____

Argued - May 22, 2018

CHERYL E. CHAMBERS, J.P.
LEONARD B. AUSTIN
JEFFREY A. COHEN
COLLEEN D. DUFFY, JJ.

2015-02154

DECISION & ORDER

Robin J. Iovine, etc., respondent, v State of New
York, appellant.

(Claim No. 114517)

Barbara D. Underwood, Attorney General, New York, NY (Anisha S. Dasgupta and
Bethany A. Davis Noll of counsel), for appellant.

Simon, Eisenberg & Baum, LLP, New York, NY (Sagar Shah of counsel), for
respondent.

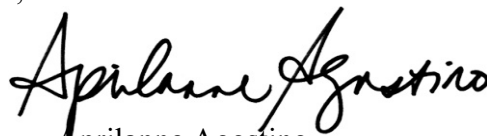
In a claim to recover damages for wrongful death and loss of services, the defendant
appeals from an interlocutory judgment of the Court of Claims (Stephen J. Lynch, J.), dated
December 22, 2014. The interlocutory judgment, upon a decision of the same court dated September
10, 2014, made after a nonjury trial, found the defendant to be 33.3% at fault in the happening of the
subject accident.

ORDERED that the appeal is dismissed, with costs.

The appeal from the interlocutory judgment must be dismissed because the
interlocutory judgment was superseded by the corrected judgment dated May 3, 2017 (*see Iovine v
State of New York* ____ AD3d ____ [Appellate Division Docket No. 2017-06838; decided
herewith]).

CHAMBERS, J.P., AUSTIN, COHEN and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 10, 2018

IOVINE v STATE OF NEW YORK