

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

**883**

**CA 18-00578**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ.

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PATRICIA A. WASHINGTON AND EDDIE T. LOPER, SR.,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

MARIA E. MONAGAN AND NIAGARA MOHAWK POWER CORPORATION,  
DEFENDANTS-APPELLANTS.

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BARCLAY DAMON LLP, BUFFALO (NICHOLAS J. DICESARE OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

BROWN CHIARI LLP, BUFFALO (TIMOTHY M. HUDSON OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 18, 2017. 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.

Entered: September 28, 2018

Mark W. Bennett  
Clerk of the Court