

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

789

CA 22-00105

PRESENT: LINDLEY, J.P., NEMOYER, WINSLOW, BANNISTER, AND MONTOUR, JJ.

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JESSIE DAVIS, JR., CLAIMANT-APPELLANT,

V

MEMORANDUM AND ORDER

THE STATE OF NEW YORK, DEFENDANT-RESPONDENT.  
(CLAIM NO. 125370.)

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THE DRATCH LAW FIRM, P.C., NEW YORK CITY (BRIAN M. DRATCH OF COUNSEL),  
FOR CLAIMANT-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (JONATHAN D. HITSOUS OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Court of Claims (Judith A. Hard,  
J.), entered July 7, 2021. The judgment dismissed the claim.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs.

Memorandum: Claimant commenced this action seeking damages for  
injuries he allegedly sustained while he was an inmate when he fell to  
the ground after the table he was directed to sit on collapsed. After  
a nonjury trial on the issue of proximate cause and damages, the Court  
of Claims dismissed the claim on the ground that claimant failed to  
prove that defendant's negligence was a proximate cause of claimant's  
injuries. Claimant appeals, and we affirm. Contrary to claimant's  
contention, we conclude that the court's determination is supported by  
a fair interpretation of the evidence (*see generally Reames v State of  
New York*, 191 AD3d 1304, 1305-1306 [4th Dept 2021], *affd* 37 NY3d 1152  
[2022]).

Entered: November 18, 2022

Ann Dillon Flynn  
Clerk of the Court