

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

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CA 24-00399

PRESENT: CURRAN, J.P., BANNISTER, SMITH, DELCONTE, AND HANNAH, JJ.

LINDA L. GATES, AS ADMINISTRATOR OF THE
ESTATE OF MICHAEL H. GATES, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

DONALD J. SIMPSON, CHANDLER D. SIMPSON,
TOWN OF HENRIETTA AND JOSEPH E. LARocca,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

CELLINO LAW, LLP, ROCHESTER (ROBERT L. VOLTZ OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

WEBSTER SZANYI LLP, BUFFALO (MICHAEL P. MCCLAREN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS TOWN OF HENRIETTA AND JOSEPH E. LARocca.

Appeal from an order of the Supreme Court, Monroe County (James A. Vazzana, J.), entered January 19, 2024 in a personal injury action arising from a motor vehicle accident. The order granted the motion of defendants Town of Henrietta and Joseph E. LaRocca for summary judgment dismissing the complaint against said defendants.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051, 1051 [4th Dept 1990]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court