

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

836

**CA 24-01481**

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, AND OGDEN, JJ.

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EHNI LER HTOO, PLAINTIFF-RESPONDENT,

V

ORDER

EVOLV TECHNOLOGIES, INC., ET AL., DEFENDANTS,  
DAY AUTOMATION SYSTEMS, INC., DEFENDANT-RESPONDENT,  
AND CITY OF UTICA, DEFENDANT-APPELLANT.

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WILLIAM M. BORRILL, CORPORATION COUNSEL, UTICA (DANIEL K. CARTWRIGHT  
OF COUNSEL), FOR DEFENDANT-APPELLANT.

LAW OFFICES OF ROBIN ZIMPEL, PLLC, SYRACUSE (ROBIN C. ZIMPEL-FONTAINE  
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

NASH CONNORS, P.C., BUFFALO (ANDREW J. KOWALEWSKI OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (Mark R. Rose, J.), entered August 23, 2024. The order denied the motion of defendant City of Utica to dismiss the complaint and any cross-claims against it.

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

Entered: November 21, 2025

Ann Dillon Flynn  
Clerk of the Court