

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

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**CA 24-00607**

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

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ROBERT MATTISON AND HEATHER MATTISON,  
CLAIMANTS-APPELLANTS,

V

MEMORANDUM AND ORDER

STATE OF NEW YORK AND NEW YORK STATE  
THRUWAY AUTHORITY, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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CELLINO LAW LLP, BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR  
CLAIMANTS-APPELLANTS.

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

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Appeal from an order of the Court of Claims (J. David Sampson, J.), entered March 14, 2024. The order denied the application of claimants seeking, in effect, permission to file a late claim.

It is hereby ORDERED that said appeal is dismissed without costs.

Same memorandum as in *Mattison v State of New York* ([appeal No. 2] – AD3d – [Feb. 11, 2026] [4th Dept 2026]).

All concur except CURRAN and HANNAH, JJ., who dissent and vote to affirm in the same dissenting memorandum as in *Mattison v State of New York* ([appeal No. 2] – AD3d – [Feb. 11, 2026] [4th Dept 2026]).

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court