

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

533

CA 25-00888

PRESENT: WHALEN, P.J., CURRAN, OGDEN, GREENWOOD, AND HANNAH, JJ.

STEPHEN CASSIDY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

LIVINGSTON COUNTY AND LIVINGSTON COUNTY SHERIFF'S
DEPARTMENT, DEFENDANTS-APPELLANTS.

PHILLIPS LYTTLE LLP, BUFFALO (RYAN A. LEMA OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

HERMAN LAW, NEW YORK CITY (CRAIG BERNHARDT OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Livingston County (Deborah A. Chimes, J.), entered May 19, 2025. The order directed defendants to produce unredacted documents to Supreme Court for in camera review.

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

Memorandum: In an action to recover damages for personal injuries pursuant to the Child Victims Act (see CPLR 214-g), defendants appeal from an order that directed the in camera review of unredacted documents sought by plaintiff in a motion to compel discovery. We conclude that the appeal must be dismissed. "Inasmuch as the order effectively defe[rs] the determination of the . . . motion [until] the completion of [Supreme Court's] in camera review, it does not affect a substantial right of defendant[s], and thus no appeal lies as of right therefrom" (*Schwartz v Schwartz* [appeal No. 2], 238 AD3d 1514, 1516 [4th Dept 2025] [internal quotation marks omitted]; see CPLR 5701 [a] [2] [v]; *H.M. v Roman Catholic Diocese of Brooklyn*, 242 AD3d 735, 736 [2d Dept 2025]; *Buhler v Sheridan*, 134 AD2d 822, 822 [4th Dept 1987]).

Entered: June 26, 2026

Ann Dillon Flynn
Clerk of the Court