

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

1016

CA 13-00418

PRESENT: SMITH, J.P., FAHEY, SCONIERS, VALENTINO, AND WHALEN, JJ.

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GUS MICHAEL FARINELLA, AS ADMINISTRATOR OF THE  
ESTATE OF MAGDALENA MARTA LUBOWSKA, DECEASED,  
MARIUSZ LUBOWSKI AND KATARZYNA LUBOWSKA,  
CLAIMANTS-APPELLANTS,

V

ORDER

STATE OF NEW YORK, DEFENDANT-RESPONDENT.  
(CLAIM NO. 116051.)

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SANDERS, SANDERS, BLOCK, WOYCIK, VIENER & GROSSMAN, P.C., MINEOLA  
(EDWARD J. NITKEWICZ OF COUNSEL), FOR CLAIMANTS-APPELLANTS.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (JULIE M. SHERIDAN OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Court of Claims (Michael E. Hudson,  
J.), entered June 1, 2012. The order granted the motion of defendant  
for summary judgment dismissing the claim.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at the Court of Claims.

Entered: September 27, 2013

Frances E. Cafarell  
Clerk of the Court