

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

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CA 17-01197

PRESENT: WHALEN, P.J., SMITH, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

RANDY AGNESS AND ANNETTE AGNESS,
CLAIMANTS-RESPONDENTS,

V

ORDER

STATE OF NEW YORK, DEFENDANT-APPELLANT.
(CLAIM NO. 123203.)
(APPEAL NO. 1.)

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (BRIAN D. GINSBERG OF
COUNSEL), FOR DEFENDANT-APPELLANT.

LOTEMPPIO P.C. LAW GROUP, BUFFALO (BRIAN D. KNAUTH OF COUNSEL), FOR
CLAIMANTS-RESPONDENTS.

Appeal from an order of the Court of Claims (Diane L. Fitzpatrick, J.), entered August 23, 2016. The order granted the motion of claimants for partial summary judgment on the issue of liability and denied the motion of defendant for summary judgment dismissing the claim.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988, 988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567 [1st Dept 1978]; *see also CPLR 5501 [a] [1]*).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court