

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

949

CA 16-02192

PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ.

ANN VANYO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

BUFFALO POLICE BENEVOLENT ASSOCIATION, INC.,
AND CITY OF BUFFALO, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

JAMES OSTROWSKI, BUFFALO, FOR PLAINTIFF-APPELLANT.

CREIGHTON, JOHNSEN & GIROUX, BUFFALO (IAN HAYES OF COUNSEL), FOR
DEFENDANT-RESPONDENT BUFFALO POLICE BENEVOLENT ASSOCIATION, INC.

TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (DAVID M. LEE OF
COUNSEL), FOR DEFENDANT-RESPONDENT CITY OF BUFFALO.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered February 5, 2016. The order and judgment denied the motion of plaintiff pursuant to CPLR 306-b seeking an order extending the time within which to serve the complaint and sua sponte dismissed the complaint.

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

Same memorandum as in *Vanyo v Buffalo Police Benevolent Association, Inc.* ([appeal No. 2] – AD3d – [Mar. 16, 2018] [4th Dept 2018]).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court