

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

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**CA 19-01953**

PRESENT: SMITH, J.P., CARNI, CURRAN, TROUTMAN, AND WINSLOW, JJ.

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SUSAN L. BURGESS, PLAINTIFF-APPELLANT,

V

ORDER

TERRI BAVIS, SUPERINTENDENT OF SCHOOLS, WATERLOO  
CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION,  
MICHAEL SHORES, PRESIDENT, NICOHL SWARTLEY, JOHN  
BUTLAK, VICE PRESIDENT, CHARLES BRONSON, ELLEN  
HUGHES, COREEN LOWRY, COLBY O'BRIEN, TERRI REESE,  
WATERLOO CENTRAL SCHOOL DISTRICT,  
DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANT.

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KIRWAN LAW FIRM, P.C., SYRACUSE (TERRY J. KIRWAN, JR., OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

FERRARA FIORENZA PC, EAST SYRACUSE (CHARLES E. SYMONS OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, A.J.), entered April 15, 2019. The order granted the motion of plaintiff for leave to reargue and, upon reargument, adhered to a prior order granting the motion of defendants-respondents to dismiss the complaint against them and denying plaintiff's cross motion for leave to serve a late notice of claim.

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

Entered: July 17, 2020

Mark W. Bennett  
Clerk of the Court