

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

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CA 19-00478

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

VANESSA G., AS PARENT AND NATURAL GUARDIAN OF
ADRIANNA A., AN INFANT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

NELSON A., AS ADMINISTRATOR OF THE ESTATE OF
LUIS A. A.-S., DECEASED,
ET AL., DEFENDANTS,
AND ERIC J. KRONE, DEFENDANT-APPELLANT.
(APPEAL NO. 3.)

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (ROBERT M. GOLDFARB OF
COUNSEL), FOR DEFENDANT-APPELLANT.

VANDETTE PENBERTHY LLP, BUFFALO (JAMES M. VANDETTE OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County
(Frederick J. Marshall, J.), entered February 27, 2019. The judgment,
insofar as appealed from, adjudged that defendant Eric J. Krone acted
with reckless disregard for the safety of others and that he is 35%
liable for the subject collision.

It is hereby ORDERED that the judgment insofar as appealed from
is reversed on the law without costs and the complaint is dismissed
against defendant Eric J. Krone.

Same memorandum as in *Alexandra R. v Krone* ([appeal No. 1] – AD3d
– [Aug. 20, 2020] [4th Dept 2020]).

All concur except NEMOYER and CURRAN, JJ., who dissent and vote to
affirm in the same dissenting memorandum as in *Alexandra R. v Krone*
([appeal No. 1] – AD3d – [Aug. 20, 2020] [4th Dept 2020]).

Entered: August 20, 2020

Mark W. Bennett
Clerk of the Court