

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

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CA 19-00755

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

NELSON A., AS ADMINISTRATOR OF THE ESTATE OF
LUIS A. A.-S., ALSO KNOWN AS LUIS A., SR.,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ERIC J. KRONE, DEFENDANT-APPELLANT.
(APPEAL NO. 4.)

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

SCHNITTER CICCARELLI MILLS, PLLC, WILLIAMSVILLE (RYAN J. MILLS OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County
(Frederick J. Marshall, J.), entered April 4, 2019. The judgment
adjudged that defendant 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 so appealed from is
reversed on the law without costs and the complaint is dismissed.

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