

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

585

**CA 19-01339**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, CURRAN, AND WINSLOW, JJ.

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WILLIAM D. MALDOVAN, PUBLIC ADMINISTRATOR, AS  
ADMINISTRATOR OF THE ESTATE OF LAURA CUMMINGS,  
DECEASED, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

COUNTY OF ERIE AND TIMOTHY B. HOWARD, ERIE COUNTY  
SHERIFF, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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CONNORS LLP, BUFFALO (JOHN T. LOSS OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

WALSH, ROBERTS & GRACE, BUFFALO (ROBERT P. GOODWIN OF COUNSEL), AND  
MICHAEL A. SIRAGUSA, COUNTY ATTORNEY, FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 11, 2019. The order denied the motion of plaintiff for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Maldovan v County of Erie* ([appeal No. 1] – AD3d – [Nov. 13, 2020] [4th Dept 2020]).

Entered: November 13, 2020

Mark W. Bennett  
Clerk of the Court