

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

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CA 19-02128

PRESENT: CARNI, J.P., LINDLEY, WINSLOW, BANNISTER, AND DEJOSEPH, JJ.

ALYSA OCASIO, ANDREW OCASIO AND JAHAIRA
HOLDER, AS ADMINISTRATRIX OF THE ESTATE
OF SANDY GUARDIOLA, CLAIMANTS-APPELLANTS,

V

MEMORANDUM AND ORDER

STATE OF NEW YORK, DEFENDANT-RESPONDENT.
(CLAIM NO. 132102.)

BELDOCK LEVINE & HOFFMAN LLP, NEW YORK CITY (LUNA DROUBI OF COUNSEL),
FOR CLAIMANTS-APPELLANTS.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (KATHLEEN M. TREASURE OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Court of Claims (Debra A. Martin,
J.), entered May 9, 2019. The order granted defendant's motion to
dismiss the amended claim.

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

Memorandum: We affirm for reasons stated in the decision and
order at the Court of Claims (Martin, J.) insofar as the court granted
defendant's pre-answer motion to dismiss the amended claim on the
ground that the notice of intention to file a claim and the amended
notice of intention to file a claim "did not 'provide a sufficiently
detailed description of the particulars of the claim to enable
[defendant] to investigate and promptly ascertain the existence and
extent of its liability' " (*Flemming v State of New York*, 120 AD3d
848, 848 [3d Dept 2014]; see *Cendales v State of New York*, 2 AD3d
1165, 1167 [3d Dept 2003]). Although claimants state in their notice
of appeal that they appeal from each and every part of the decision
and order, claimants do not raise in their brief any contentions
concerning that part of the order dismissing the individual claims of
claimants Alysa Ocasio and Andrew Ocasio. We therefore deem any
issues with respect thereto abandoned (see *Ciesinski v Town of Aurora*,
202 AD2d 984, 984 [4th Dept 1994]).

In light of our determination, we do not address claimants'
remaining contentions.

Entered: February 11, 2021

Mark W. Bennett
Clerk of the Court