

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

**466**

**CA 20-00853**

PRESENT: CENTRA, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

---

IN THE MATTER OF NICHOLAS SMITH,  
CLAIMANT-APPELLANT,

V

ORDER

TOWN OF MANSFIELD, RESPONDENT-RESPONDENT.

---

DOLCE PANEPINTO, P.C., BUFFALO (AARON C. GORSKI OF COUNSEL), FOR  
CLAIMANT-APPELLANT.

CHELUS HERDZIK SPEYER & MONTE P.C., BUFFALO (MICHAEL J. CHMIEL OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

---

Appeal from an order of the Supreme Court, Cattaraugus County  
(Terrence M. Parker, A.J.), entered July 8, 2020. The order denied  
claimant's application seeking, inter alia, 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: April 30, 2021

Mark W. Bennett  
Clerk of the Court