

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

1174

CA 20-01504

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, CURRAN, AND WINSLOW, JJ.

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JOSUE ORTIZ, CLAIMANT-APPELLANT,

V

MEMORANDUM AND ORDER

STATE OF NEW YORK, DEFENDANT-RESPONDENT.

(CLAIM NO. 126292.)

(APPEAL NO. 1.)

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MAGAVERN MAGAVERN GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL),  
FOR CLAIMANT-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (DUSTIN J. BROCKNER OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Court of Claims (Michael E. Hudson,  
J.), entered May 18, 2020. The order denied the motion of defendant  
for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same memorandum as in *Ortiz v State of New York* ([appeal No. 3] –  
AD3d – [Mar. 18, 2022] [4th Dept 2022]).

Entered: March 18, 2022

Ann Dillon Flynn  
Clerk of the Court