

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

**903**

**CA 14-00028**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, WHALEN, AND DEJOSEPH, JJ.

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IN THE MATTER OF KAREN A. WHITAKER, AS PROPOSED  
GUARDIAN OF JOSEPH L. MARTIN, JR.,  
CLAIMANT-RESPONDENT,

V

ORDER

KENNEDY/TOWN OF POLAND, TOWN OF POLAND HIGHWAY  
DEPARTMENT, RESPONDENTS-APPELLANTS,  
ET AL., RESPONDENTS.

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SUGARMAN LAW FIRM, LLP, SYRACUSE (JENNA W. KLUCSIK OF COUNSEL), FOR  
RESPONDENTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR CLAIMANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(Deborah A. Chimes, J.), entered September 12, 2013. The order  
granted the application of claimant for leave to serve a late notice  
of claim on respondents Kennedy/Town of Poland and Town of Poland  
Highway Department.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs (*see McBee v County of Onondaga*, 34  
AD3d 1360, 1360).

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court