

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

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CA 15-01123

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, LINDLEY, AND DEJOSEPH, JJ.

JOHN M. HOLMES, PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL A. FIORE, CITY OF UTICA,
DEFENDANTS-APPELLANTS,
AND WYATT T. HOLMES, DEFENDANT-RESPONDENT.

LAW OFFICES OF KEVIN A. LANE, BUFFALO (MICHAEL T. COUTU OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

JOYCE & HOLBROOK LAW FIRM, SHERBURNE (SAMANTHA M. HOLBROOK OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

RUSSO, APOZNANSKI & TAMBASCO, MELVILLE (FRED LUTZEN OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered December 22, 2014. The order and judgment, among other things, denied the motion of defendants Michael A. Fiore and City of Utica seeking summary judgment dismissing the second amended complaint.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: February 5, 2016

Frances E. Cafarell
Clerk of the Court