

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

166

CA 16-00842

PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

ACEA MOSEY, AS ADMINISTRATOR OF THE ESTATE OF
LAURA CUMMINGS, DECEASED, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

COUNTY OF ERIE, DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

CONNORS LLP, BUFFALO (JOHN T. LOSS OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

MICHAEL A. SIRAGUSA, COUNTY ATTORNEY, BUFFALO (JEREMY C. TOTTH OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered May 3, 2016. The order, insofar as appealed from, denied that part of plaintiff's motion to settle the record with respect to inclusion of a transcript of oral argument of the motions at issue in appeal No. 1.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs, and that part of plaintiff's motion seeking inclusion of the transcript of oral argument in the record on appeal in appeal No. 1 is granted.

Same memorandum as in *Mosey v County of Erie* ([appeal No. 1] ____ AD3d ____ [Mar. 24, 2017]).

Entered: March 24, 2017

Frances E. Cafarell
Clerk of the Court