

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

1073

CA 16-02309

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ.

TIMOTHY C. HEWITT, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

COUNTY OF CHAUTAUQUA, RAYMOND R. WHITACRE,
INDIVIDUALLY AND AS PARENT OF BRENDYN J.
WHITACRE, AND BRENDYN J. WHITACRE,
DEFENDANTS-RESPONDENTS.

TIMOTHY C. HEWITT, PLAINTIFF-APPELLANT PRO SE.

WEBSTER SZANYI LLP, BUFFALO (BRITTANY JONES OF COUNSEL), FOR
DEFENDANT-RESPONDENT COUNTY OF CHAUTAUQUA.

BOUVIER LAW, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS RAYMOND R. WHITACRE, INDIVIDUALLY AND AS PARENT
OF BRENDYN J. WHITACRE, AND BRENDYN J. WHITACRE.

Appeal from an order of the Supreme Court, Chautauqua County
(Frank A. Sedita, III, J.), entered September 8, 2016. The order
granted the motions of defendants for summary judgment.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Memorandum: Plaintiff commenced this action seeking damages for
injuries he allegedly sustained when he was struck by the metal head
of a rake while at the transfer station owned by defendant County of
Chautauqua. We affirm the order for reasons stated in the decision at
Supreme Court. We write only to note that plaintiff failed to address
in his brief that part of the order granting the individual
defendants' motion for summary judgment, and thus we do not review
that part of the order.

Entered: September 29, 2017

Mark W. Bennett
Clerk of the Court