

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

1373

CA 17-00676

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

MARLENE CORNELL, AS ADMINISTRATOR OF THE ESTATE
OF SAMUEL CONDELLO, DECEASED,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

COUNTY OF MONROE, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

MICHAEL E. DAVIS, COUNTY ATTORNEY, ROCHESTER (MATTHEW D. BROWN OF
COUNSEL), FOR DEFENDANT-APPELLANT.

DAVID L. MURPHY, PC, ROCHESTER (DAVID L. MURPHY OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered October 25, 2016. The order granted defendant's motion for leave to reargue its prior motion for partial summary judgment dismissing the first and second causes of action and, upon reargument, adhered to its determination denying that motion.

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

Same memorandum as in *Cornell v County of Monroe* ([appeal No. 1] – AD3d – [Feb. 2, 2018] [4th Dept 2018]).

Entered: February 2, 2018

Mark W. Bennett
Clerk of the Court