

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

**983**

**CA 19-02146**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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ROBIN HART, AS ADMINISTRATOR OF THE ESTATE  
OF EAIN CLAYTON BROOKS, DECEASED,  
PLAINTIFF-RESPONDENT,

V

ORDER

COUNTY OF ERIE, DEFENDANT-APPELLANT,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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

CHACCHIA & FLEMING, LLP, HAMBURG (DANIEL J. CHACCHIA OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered July 31, 2019. The order denied the motion of defendant County of Erie for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985, 985 [4th Dept 1990]).

Entered: December 23, 2020

Mark W. Bennett  
Clerk of the Court