

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

**935**

**CA 20-00729**

PRESENT: CENTRA, J.P., LINDLEY, CURRAN, TROUTMAN, AND DEJOSEPH, JJ.

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IN THE MATTER OF STEVEN L. SCHUNK AND  
JAMIE SCHUNK, CLAIMANTS-APPELLANTS,

V

MEMORANDUM AND ORDER

TOWN OF YORK AND COUNTY OF LIVINGSTON,  
RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 2.)

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PAUL WILLIAM BELTZ, P.C., BUFFALO (ANNE B. RIMMLER OF COUNSEL), FOR  
CLAIMANTS-APPELLANTS.

LIPPMAN O'CONNOR, BUFFALO (MATTHEW J. DUGGAN OF COUNSEL), FOR  
RESPONDENT-RESPONDENT TOWN OF YORK.

WEBSTER SZANYI LLP, BUFFALO (PETER L. VEECH OF COUNSEL), FOR  
RESPONDENT-RESPONDENT COUNTY OF LIVINGSTON.

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Appeal from an order of the Supreme Court, Livingston County (Thomas E. Moran, J.), entered June 5, 2020. The order denied the motion of claimants for leave to reargue and renew their application for leave to serve a late notice of claim.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed and the order is affirmed without costs.

Same memorandum as in *Matter of Schunk v Town of York* ([appeal No. 1] - AD3d - [Dec. 23, 2021] [4th Dept 2021]).

Entered: December 23, 2021

Ann Dillon Flynn  
Clerk of the Court