

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

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CA 22-00681

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND OGDEN, JJ.

JUSTIN WAGAR, PLAINTIFF-APPELLANT,

V

ORDER

CITY OF ROCHESTER, DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(ACTION NO. 1.)

WADE R. REMINGTON AND NICHOL P. DEATON, AS
ADMINISTRATOR OF THE ESTATE OF JASON C.
REGATUSO, DECEASED, PLAINTIFFS-APPELLANTS,

V

CITY OF ROCHESTER, DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(ACTION NO. 2.)

JOHN J. FROMEN, ATTORNEYS AT LAW, P.C., SNYDER, MAGAVERN MAGAVERN
GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT JUSTIN WAGAR.

ROBERT HILTZIK, JERICHO, FOR PLAINTIFFS-APPELLANTS WADE R. REMINGTON
AND NICHOL P. DEATON, AS ADMINISTRATOR OF THE ESTATE OF JASON C.
REGATUSO, DECEASED.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (DAVID M. KATZ OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeals from a judgment of the Supreme Court, Monroe County
(Daniel J. Doyle, J.), entered March 21, 2022. The judgment, inter
alia, granted the motion of defendant City of Rochester for summary
judgment and dismissed the complaints against it.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court