

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

290

CA 22-00110

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

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HENRY THOROYAN, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ALEX PALUMBO, ET AL., DEFENDANTS,  
AND VERIZON NEW YORK, INC.,  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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RALPH W. FUSCO, UTICA, FOR PLAINTIFF-APPELLANT.

GOLDBERG SEGALLA LLP, BUFFALO (AARON M. SCHIFFRIK OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered January 19, 2022. The order granted the motion of defendant Verizon New York, Inc. for summary judgment and dismissed the plaintiff's amended complaint against it.

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

Same memorandum as in *Thoroyan v Palumbo* ([appeal No. 1] – AD3d – [June 30, 2023] [4th Dept 2023]).

Entered: June 30, 2023

Ann Dillon Flynn  
Clerk of the Court