

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 20 SSM 26
Dorothy Reames, &c.,
Appellant,
v.
State of New York et al.,
Respondents.

Submitted by W. Bradley Hunt, for appellant.
Submitted by Jonathan D. Hitsous, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed, with costs.

The Appellate Division applied the correct substantial factor test (*see e.g. Brown v State of New York*, 31 NY3d 514, 519-520 [2018]), and record evidence supports the Court of Claims' affirmed finding that defendants' negligence was not a substantial factor in aggravating decedent's injuries or causing his death.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge DiFiore and Judges Rivera, Garcia, Wilson, Singas and Cannataro concur.

Decided January 6, 2022