

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

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CA 08-00662

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, CARNI, AND GREEN, JJ.

THERESA MILEA AND EARL MILEA, INDIVIDUALLY,
AND THERESA MILEA, AS PARENT AND NATURAL
GUARDIAN OF ANTHONY MILEA, AN INFANT,
PLAINTIFFS-APPELLANTS,

V

ORDER

CITY OF SYRACUSE, CITY OF SYRACUSE DEPARTMENT
OF PUBLIC WORKS AND NELSON F. DERBY, JR.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

MICHAELS & MICHAELS, SYRACUSE, D.J. & J.A. CIRANDO, ESQS. (JOHN A.
CIRANDO OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

RORY A. MCMAHON, CORPORATION COUNSEL, SYRACUSE (NANCY J. LARSON OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Onondaga County
(Deborah H. Karalunas, J.), entered October 30, 2007 in a personal
injury action. The order denied the cross motion of plaintiffs to
dismiss as untimely the motion of defendants for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;
Chase Manhattan Bank, N.A. v Roberts & Roberts, 63 AD2d 566, 567; *see*
also CPLR 5501 [a] [1]).

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court