

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

**404**

**CA 08-00663**

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

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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. 2.)

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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.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered January 17, 2008 in a personal  
injury action. The order granted the motion of defendants for summary  
judgment.

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court