

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

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CA 09-00672

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

KENNETH BURNS AND JULIA BURNS,
PLAINTIFFS-APPELLANTS,

V

ORDER

CITY OF BATAVIA, CITY OF BATAVIA DEPARTMENT
OF PUBLIC WORKS, DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

BROWN & TARANTINO, LLC, BUFFALO (ANN M. CAMPBELL OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an amended judgment of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered December 12, 2008 in a personal injury action. The amended judgment, upon the motion of defendants City of Batavia and City of Batavia Department of Public Works for summary judgment, dismissed the complaint and cross claims against them.

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

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court