

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

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CA 09-01910

PRESENT: SMITH, J.P., CARNI, PINE, AND GORSKI, JJ.

KELLY DELUCAS, AS PARENT AND NATURAL GUARDIAN
OF ZACHARY FLORES, PLAINTIFF-RESPONDENT,

V

ORDER

CITY OF LOCKPORT SCHOOL DISTRICT AND LOCKPORT
SENIOR HIGH SCHOOL, DEFENDANTS-APPELLANTS.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (JEFFREY F.
BAASE OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

JEFFREY E. MARION, WILLIAMSVILLE, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered January 30, 2009 in a personal injury action. The order denied the motion of defendants for summary judgment dismissing the complaint.

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

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court