

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

**234**

**CA 09-01912**

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND LINDLEY, JJ.

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IN THE MATTER OF CARMEN LARATONDA,  
CLAIMANT-APPELLANT,

V

ORDER

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT,  
RESPONDENT-RESPONDENT.

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BROWN CHIARI LLP, LANCASTER (SAMUEL J. CAPIZZI OF COUNSEL), FOR  
CLAIMANT-APPELLANT.

PETRONE & PETRONE, P.C., BUFFALO (JAMES H. COSGRIFF, III, OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County  
(Richard C. Kloch, Sr., A.J.), entered December 12, 2008. The order  
denied the application of claimant for leave to serve a late notice of  
claim.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court