

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

618

CA 09-00896

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

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MICHAEL J. REW, PLAINTIFF-RESPONDENT,

V

ORDER

COUNTY OF NIAGARA, COUNTY OF NIAGARA SHERIFF'S  
DEPARTMENT, NIAGARA COUNTY SHERIFF THOMAS A.  
BEILEIN, AND JOHN DOE (SAID DEFENDANT BEING  
DEPUTY ON DUTY AND INVOLVED IN SHOOTING INCIDENT  
ON NOVEMBER 11, 2007), DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (ELIZABETH M. BERGEN OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

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

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Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered March 10, 2009 in a personal injury action. The order granted the motion of plaintiff to serve a late notice of claim and amended summons and complaint.

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

Entered: May 7, 2010

Patricia L. Morgan  
Clerk of the Court