

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

1419

CA 10-00444

PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, PINE, AND GORSKI, JJ.

DIANE FLOOD, AS GUARDIAN OF THE PERSON AND
PROPERTY OF ANNE MARIE FLOOD, AN INCAPACITATED
PERSON, PLAINTIFF-APPELLANT,

V

ORDER

CSX TRANSPORTATION, INC. AND TOWN OF HAMBURG,
DEFENDANTS-RESPONDENTS.

MAXWELL MURPHY, LLC, BUFFALO (ALAN D. VOOS OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

LEWIS & LEWIS, P.C., BUFFALO (EMILY DOWNING OF COUNSEL), FOR
DEFENDANT-RESPONDENT TOWN OF HAMBURG.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered January 20, 2010. The order granted the motion of defendant Town of Hamburg for summary judgment.

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: December 30, 2010

Patricia L. Morgan
Clerk of the Court