

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

912

CA 12-02090

PRESENT: SMITH, J.P., CARNI, SCONIERS, AND VALENTINO, JJ.

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LEE-ANN DEERING, CLAIMANT-APPELLANT,

V

MEMORANDUM AND ORDER

STATE OF NEW YORK, NEW YORK STATE THRUWAY  
AUTHORITY AND NEW YORK STATE DEPARTMENT  
OF TRANSPORTATION, DEFENDANTS-RESPONDENTS.

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LAW OFFICE OF WILLIAM MATTAR, P.C., WILLIAMSVILLE (APRIL J. ORLOWSKI  
OF COUNSEL), FOR CLAIMANT-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (PAUL GROENWEGEN OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Court of Claims (Jeremiah J. Moriarty, III, J.), entered January 9, 2012. The order denied the motion of claimant for permission to file a late claim.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In a proposed action to recover damages for injuries she allegedly sustained in a motor vehicle accident, claimant appeals from a January 2012 order denying her motion for permission to file a late claim pursuant to Court of Claims Act § 10 (6). That order was entered "without prejudice" to a further application by claimant. The Attorney General has informed this Court that the Court of Claims, by an August 2013 order, granted claimant permission to file a late claim. Because the August 2013 order affords claimant "all the relief she seeks and . . . thus renders the appeal moot" (*Matter of Dye v Bernier*, 104 AD3d 1102, 1102), this appeal must be dismissed (see *Matter of Gasparro v Edwards*, 85 AD3d 1222, 1222 n; see generally *Matter of Cucinella v New York City Tr. Auth.*, 82 AD3d 1453, 1454).

Entered: November 15, 2013

Frances E. Cafarell  
Clerk of the Court