

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK - NASSAU COUNTY

Present:

HON. ANTHONY L. PARGA

Justice

PART 17

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In the Matter of the Application of LIBERTY
MUTUAL INSURANCE COMPANY a/s/o
JOYCE ROMEO, For Leave to File a Late
Notice of Claim,

INDEX NO. 13653/05

X X X

Petitioner,

-against-

MOTION DATE: 9/21/05

SEQUENCE NO. 001

THE COUNTY OF NASSAU,

Respondent.

-----X
Notice of Petition, Affs. & Exs.....1
Affirmation In Opposition & Exs.....2

Upon the foregoing papers, it is ordered that the application by the petitioner for an order granting it leave to file a late Notice of Claim against the respondent is denied and the petition is dismissed. There is no evidence that the defendant acquired actual knowledge of the facts constituting the petitioner's property damage claim within 90 days after the claim arose or a reasonable time thereafter (*Gillum v. County of Nassau*, 284 AD2d 533; compare, *Vitale v. Elwood Union Free Sch. Dist.*, 19 AD3d 610; *Hasmath v. Cameb*, 5 AD3d 438). The police accident report merely described the circumstances surrounding the accident (see, *Rabanar v. City of Yonkers*, 290 AD2d 428, 429; *Gillum v. County of Nassau*, *supra*).

Dated: October 5, 2005.

ENTERED

OCT 11 2005

NASSAU COUNTY
COUNTY CLERK'S OFFICE

Anthony L. Parga
Anthony L. Parga, J.S.C.