

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

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CA 08-01847

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

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JESSIE M. DUNBAR, PLAINTIFF,

V

ORDER

WILLIAM G. ORTON, DEFENDANT.

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WILLIAM G. ORTON, THIRD-PARTY  
PLAINTIFF-APPELLANT,

V

TIMOTHY C. RICHMOND, THIRD-PARTY  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 3.)

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BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFF-APPELLANT.

MICHAELS & SMOLAK, P.C., AUBURN (MICHAEL G. BERSANI OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, A.J.), entered September 7, 2007 in a personal injury action. The order denied the motion of defendant-third-party plaintiff for summary judgment dismissing the third-party complaint.

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

Entered: February 6, 2009

JoAnn M. Wahl  
Clerk of the Court