

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

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CA 08-01587

PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND PINE, JJ.

OLIPHANT FINANCIAL CORPORATION, PLAINTIFF-RESPONDENT,

V

ORDER

JAMES T. ANGELO, DEFENDANT-APPELLANT.

GREGORY L. DOLAN, HONEOYE, FOR DEFENDANT-APPELLANT.

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered May 30, 2007 in an action for breach of contract. The order granted the motion of plaintiff for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Murphy v Niagara Frontier Transp. Auth.*, 207 AD2d 1038; see also CPLR 5513 [a]).

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court