

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

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**CA 08-01841**

PRESENT: SCUDDER, P.J., MARTOCHE, CENTRA, FAHEY, AND PERADOTTO, JJ.

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EDWIN CONKLIN, PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL BONGIOVANNI AND MARGARET BONGIOVANNI,  
DEFENDANTS-APPELLANTS.

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LAW OFFICES OF MICHAEL M. EMMINGER, SYRACUSE (MATTHEW J. ROE OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

ADORANTE, TURNER & ASSOCIATES, CAMILLUS (ANTHONY P. ADORANTE OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, J.), entered November 29, 2007 in a personal injury action. The order denied the motion of defendants for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for the reasons stated in the decision at Supreme Court.

Entered: February 6, 2009

JoAnn M. Wahl  
Clerk of the Court