

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

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**CA 07-01802**

PRESENT: MARTOCHE, J.P., FAHEY, GREEN, AND PINE, JJ.

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MARY E. LEONARD, ESQ., BANKRUPTCY TRUSTEE  
IN REGARDS TO THE ESTATE OF SAMUEL VANHORN  
AND ELLEN VANHORN, BANKRUPTCY CASE NO.  
04-65584, UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK,  
PLAINTIFF-RESPONDENT,

V

ORDER

THOMPSON & JOHNSON EQUIPMENT CO., INC., AND  
CLARK EQUIPMENT COMPANY, DOING BUSINESS AS  
MELROE COMPANY, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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THORN GERSHON TYMANN AND BONANNI, LLP, ALBANY (ARTHUR H. THORN OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

ALEXANDER & CATALANO, LLC, SYRACUSE (JAMES L. ALEXANDER OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered July 30, 2007 in a personal injury  
action. The order, insofar as appealed from, denied the motions of  
defendants for summary judgment dismissing the complaint and cross  
claims against them.

It is hereby ORDERED that said appeals are unanimously dismissed  
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;  
*Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see*  
*also CPLR 5501 [a] [1]*).

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court