

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

**1079**

**CA 08-01469**

PRESENT: SCUDDER, P.J., MARTOCHE, PERADOTTO, AND GORSKI, JJ.

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JUSTINE THOMPSON, PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL COOPER, ESQ., STEPHEN BARNES, ESQ.,  
INDIVIDUALLY AND DOING BUSINESS AS THE BARNES  
FIRM AS SUCCESSORS IN INTEREST TO CELLINO &  
BARNES, AND ROSS CELLINO, INDIVIDUALLY AND AS  
PARTNER IN THE LAW FIRM OF CELLINO & BARNES,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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CELLINO & BARNES, P.C., BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

S. ROBERT WILLIAMS, PLLC, SYRACUSE (MICHELLE RUDDEROW OF COUNSEL), AND  
BURKE & BURKE, ROCHESTER, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered March 7, 2008 in a legal malpractice action. The order, insofar as appealed from, denied in part the motion of defendants to dismiss the complaint.

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

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court