

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

**1112**

**CA 09-00427**

PRESENT: SCUDDER, P.J., HURLBUTT, MARTOCHE, SMITH, AND CENTRA, JJ.

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ALY SHARAKY, PLAINTIFF-APPELLANT,

V

ORDER

REID PETROLEUM CORP., DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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MUSCATO, DIMILLO & VONA, L.L.P., LOCKPORT (A. ANGELO DIMILLO OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

SEAMAN, JONES, HOGAN & BROOKS, LLP, LOCKPORT (MORGAN L. JONES, JR., OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Ralph  
A. Boniello, III, J.), entered September 10, 2008 in a breach of  
contract action. The order denied the motion of plaintiff for partial  
summary judgment.

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

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court