

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

1289

CA 08-01958

PRESENT: SCUDDER, P.J., MARTOCHE, SMITH, CARNI, AND GREEN, JJ.

NANCY KILGORE, PLAINTIFF-APPELLANT,

V

ORDER

BEVERLY SCOTT, DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

FINKELSTEIN & PARTNERS, LLP, NEWBURGH (VICTORIA LIGHTCAP OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

O'SHEA MCDONALD & STEVENS, LLP, ROME (TIMOTHY BRIAN O'SHEA OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Robert F. Julian, J.), entered February 22, 2008 in a personal injury action. The order denied the motion of plaintiff to set aside the jury verdict and to grant a new trial.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; *see also* CPLR 5501 [a] [1], [2]).

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court