

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

**1290**

**CA 08-02621**

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

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NANCY KILGORE, PLAINTIFF-APPELLANT,

V

ORDER

BEVERLY SCOTT, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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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.

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Appeal from a judgment of the Supreme Court, Oneida County  
(Samuel D. Hester, J.), entered August 26, 2008 in a personal injury  
action. The judgment, upon a jury verdict, dismissed the complaint.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court