

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

1439

CA 09-01092

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, CARNI, AND PINE, JJ.

MARY HUFFMAN, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

DAVID DOYLE AND JOYCE DOYLE,
DEFENDANTS-APPELLANTS-RESPONDENTS.

BAXTER SMITH & SHAPIRO, P.C., WEST SENECA (LAUREN E. DILLON OF
COUNSEL), FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

NICHOLAS, PEROT, SMITH, BERNHARDT & ZOSH, P.C., AKRON (CRAIG H.
BERNHARDT OF COUNSEL), FOR PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (John A. Michalek, J.), entered February 23, 2009 in a personal
injury action. The order denied the motion of defendants and the
cross motion of plaintiff for summary judgment.

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

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court