

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

**1443**

**CA 09-00220**

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

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IRIC BURTON, PLAINTIFF-APPELLANT,

V

ORDER

ADRIENNE Y. PORTER, DEFENDANT-RESPONDENT.

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FRANK FALZONE, BUFFALO, FOR PLAINTIFF-APPELLANT.

HAGELIN KENT LLC, BUFFALO (VICTOR WRIGHT OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County  
(Richard C. Kloch, Sr., A.J.), entered April 1, 2008 in a personal  
injury action. The order, among other things, denied plaintiff's  
motion for permission to proceed as a poor person pursuant to CPLR  
1101.

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