

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

1056

CA 09-00035

PRESENT: SMITH, J.P., CENTRA, FAHEY, CARNI, AND PINE, JJ.

MORGAN T. PALMER, PLAINTIFF-APPELLANT,

V

ORDER

CSX TRANSPORTATION, INC., DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

DINARDO & METSCHL, P.C., WILLIAMSVILLE (DANIEL R. METSCHL OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

ANSPACH MEEKS ELLENBERGER LLP, BUFFALO (MICHELLE PARKER OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered January 14, 2008 in an action pursuant to the Federal Employers' Liability Act. The order, insofar as appealed from, denied in part plaintiff's motion to set aside the jury verdict.

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: December 30, 2009

Patricia L. Morgan
Clerk of the Court