

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

1504

CA 09-01270

PRESENT: HURLBUTT, J.P., PERADOTTO, CARNI, PINE, AND GORSKI, JJ.

FRANK A. BERSANI, M.D.,
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

TEXACO, INC., DEFENDANT-APPELLANT-RESPONDENT.

WOODS OVIATT GILMAN LLP, ROCHESTER (GRETA K. KOLCON OF COUNSEL), FOR
DEFENDANT-APPELLANT-RESPONDENT.

BRINDISI, MURAD, BRINDISI, PEARLMAN, JULIAN & PERTZ, LLP, UTICA
(RICHARD PERTZ OF COUNSEL), FOR PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court,
Onondaga County (Deborah H. Karalunas, J.), entered February 20, 2009.
The order denied the motion of defendant for summary judgment.

It is hereby ORDERED that said cross appeal is unanimously
dismissed (*see Matter of El-Roh Realty Corp.*, 55 AD3d 1431, 1434;
Pramco III, LLC v Partners Trust Bank, 52 AD3d 1224, 1225; *see also*
CPLR 5511) and the order is otherwise affirmed without costs for
reasons stated at Supreme Court.

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court