

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

1601.1

CA 09-00775

PRESENT: HURLBUTT, J.P., SMITH, FAHEY, AND CARNI, JJ.

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DOUGLAS P. MCCLINTIC, PLAINTIFF-RESPONDENT,

V

ORDER

CSX TRANSPORTATION, INC., DEFENDANT-APPELLANT.

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

COLLINS, COLLINS & DONOGHUE, P.C., BUFFALO (PATRICK J. DONOGHUE OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Rose H. Sconiers, J.), entered January 7, 2009 in a personal injury action. The order, among other things, granted plaintiff's motion for partial summary judgment.

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

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court