

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

**1698**

**CA 09-01228**

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

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KELLY M. MULDOWNEY, PLAINTIFF-RESPONDENT,

V

ORDER

JEFFREY J. ROGOWSKI, DEFENDANT-APPELLANT,  
AND JOSEPH PALCZAK, DEFENDANT-RESPONDENT.

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LAW OFFICES OF LAURIE G. OGDEN, BUFFALO (ALAN J. BEDENKO OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

CHIACCHIA & FLEMING, LLP, HAMBURG (TIFFANY M. KOPACZ OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 9, 2009 in a personal injury action. The order denied the motion of defendant Jeffrey J. Rogowski to dismiss the complaint and the cross claims against him.

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