

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

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**CA 09-00905**

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

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SUSAN B. KITTS, PLAINTIFF-APPELLANT,

V

ORDER

BLOSSOM NORTH, LLC, DOING BUSINESS AS  
BLOSSOM NORTH NURSING AND REHABILITATION  
CENTER, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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DUTCHER & ZATKOWSKY, ROCHESTER (MILES P. ZATKOWSKY OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

UNDERBERG & KESSLER LLP, CANANDAIGUA (MARGARET E. SOMERSET OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered January 27, 2009. The order granted the motion of defendant to vacate two default judgments entered against it upon a certain condition.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court