

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

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CA 09-01911

PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND LINDLEY, JJ.

NANCY SZYMKOWIAK, PLAINTIFF,

V

ORDER

DORITEX CORP., DEFENDANT.

DORITEX CORP., THIRD-PARTY
PLAINTIFF-RESPONDENT,

V

AMERICAN HOMEPATIENT, THIRD-PARTY
DEFENDANT-APPELLANT.

GOLDBERG SEGALLA LLP, BUFFALO (DENNIS P. GLASCOTT OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-APPELLANT.

LAW OFFICES OF LAURIE G. OGDEN, BUFFALO (JERRY MARTI OF COUNSEL), FOR
THIRD-PARTY PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered April 30, 2009 in a personal injury action. The order, among other things, denied third-party defendant's motion for summary judgment.

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

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court