

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

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CA 09-01426

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

KRISTINE E. SHORT, PLAINTIFF-APPELLANT,

V

ORDER

GERALD DALOIA AND BETTE DALOIA,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

CELLINO & BARNES, P.C., BUFFALO (ELLEN B. STURM OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered October 10, 2008 in a personal injury action. The order denied the motion of plaintiff for judgment notwithstanding the verdict or, in the alternative, a new trial.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; see also CPLR 5501 [a] [1], [2]).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court