

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

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CA 09-02194

PRESENT: SMITH, J.P., FAHEY, CARNI, LINDLEY, AND SCONIERS, JJ.

HOOVER WILLIAMS, PLAINTIFF-RESPONDENT,

V

ORDER

KENTUCKY FRIED CHICKEN, DEFENDANT,
AND BARRETT T.B., INC., DEFENDANT-APPELLANT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA, LLC, BUFFALO (THOMAS P. CUNNINGHAM OF COUNSEL), FOR DEFENDANT-APPELLANT.

SIEGEL, KELLEHER & KAHN, LLP, BUFFALO (SCOTT J. BIZUB OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J.), entered April 24, 2009 in a personal injury action. The order, insofar as appealed from, granted the cross motion of plaintiff for leave to amend the complaint and denied the cross motion of defendant Barrett T.B., Inc. to dismiss the complaint against it.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Parochial Bus Sys. v Board of Educ. of City of N.Y.*, 60 NY2d 539, 544-545; *see also CPLR 5511*).

Entered: March 19, 2010

Patricia L. Morgan
Clerk of the Court