

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

280

CA 09-01618

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

AMY G. GIACOMETTI, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

SHANNON M. DOYLE, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

SUGARMAN LAW FIRM LLP, BUFFALO (KELLY J. PHILIPS OF COUNSEL), FOR
DEFENDANT-APPELLANT.

JOHN J. DELMONTE, NIAGARA FALLS, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County
(Richard C. Kloch, Sr., A.J.), entered January 21, 2009 in a personal
injury action. The order denied defendant's motion for summary
judgment.

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

Same Memorandum as in *Progressive Halcyon Ins. Co. v Giacometti*
(___ AD3d ___ [Apr. 30, 2010]).

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court