

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

615

CA 09-01970

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

---

HENRY BRITT, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

CARRIE MONACHINO AND WAL-MART STORES, INC.,  
DEFENDANTS-APPELLANTS-RESPONDENTS.  
(APPEAL NO. 1.)

---

SCHRÖDER, JOSEPH & ASSOCIATES, LLP, BUFFALO (ALICIA C. ROOD OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

LAW OFFICE OF DAVID J. CLEGG, KINGSTON (DAVID J. CLEGG OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT-APPELLANT.

---

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered May 29, 2009 in an action for false arrest and malicious prosecution. The order denied defendants' motion for a directed verdict and denied plaintiff's motion to set aside the award of punitive damages and for a new trial on punitive damages.

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

Entered: May 7, 2010

Patricia L. Morgan  
Clerk of the Court