

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

567

CA 09-00893

PRESENT: CENTRA, J.P., CARNI, LINDLEY, GREEN, AND GORSKI, JJ.

JULIE J. MANCUSO, PLAINTIFF-APPELLANT,

V

ORDER

TODD B. KOCH, M.D., DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

HOGAN WILLIG, AMHERST (JENNIFER L. FAY OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (GREGORY T. MILLER OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph D. Mintz, J.), entered March 5, 2009 in a medical malpractice action. The order denied the motion of plaintiff to set aside the jury verdict and for 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: June 11, 2010

Patricia L. Morgan
Clerk of the Court