

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

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CA 09-02639

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, LINDLEY, AND PINE, JJ.

RODNEY GOLDEN AND AMY GOLDEN,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

JAMES P. BROWN AND LISA BROWN,
DEFENDANTS-APPELLANTS-RESPONDENTS.

BURGIO, KITA & CURVIN, BUFFALO (WILLIAM J. KITA OF COUNSEL), FOR
DEFENDANTS-APPELLANTS-RESPONDENTS.

BARRY J. DONOHUE, TONAWANDA, FOR PLAINTIFFS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered October 26, 2009 in a personal injury action. The order, among other things, denied defendants' motion for summary judgment.

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

Entered: June 11, 2010

Patricia L. Morgan
Clerk of the Court