

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

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CA 09-02110

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ.

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THOMAS M. SULLIVAN, PLAINTIFF-APPELLANT,

V

ORDER

TROSER MANAGEMENT, INC., DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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J. RAYMOND BROWN, PENFIELD, FOR PLAINTIFF-APPELLANT.

KAMAN, BERLOVE, MARAFIOTI, JACOBSTEIN & GOLDMAN, LLP, ROCHESTER  
(RICHARD GLEN CURTIS OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered January 29, 2009. The order granted defendant's motion to preclude certain expert testimony at trial.

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon withdrawal.

Entered: July 2, 2010

Patricia L. Morgan  
Clerk of the Court