

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

1052

CA 10-00592

PRESENT: MARTOCHE, J.P., CARNI, GREEN, PINE, AND GORSKI, JJ.

RAYMOND RYAN, PLAINTIFF-RESPONDENT,

V

ORDER

STANLEY BABIARZ, DEFENDANT-APPELLANT.

FRANK A. BERSANI, JR., SYRACUSE, FOR DEFENDANT-APPELLANT.

BRINDISI, MURAD, BRINDISI, PEARLMAN, JULIAN & PERTZ, LLP, UTICA
(RICHARD PERTZ OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County
(Bernadette Clark, J.), entered February 3, 2010 in a personal injury
action. The order denied the motion of defendant for summary judgment
dismissing the complaint.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed with costs for reasons stated at Supreme Court.

Entered: October 8, 2010

Patricia L. Morgan
Clerk of the Court