

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

1137

CA 09-02388

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND PINE, JJ.

PATRICIA TULLY, PLAINTIFF-APPELLANT,

V

ORDER

ANDERSON'S FROZEN CUSTARD, INC.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

HOGAN WILLIG, GETZVILLE (JOHN LICATA OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

COLUCCI & GALLAHER, P.C., BUFFALO (TODD BUSHWAY OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J.), entered August 17, 2009 in a personal injury action. The order granted the motion of defendant for summary judgment and dismissed the complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985).

Entered: October 8, 2010

Patricia L. Morgan
Clerk of the Court