

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

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**CA 10-01977**

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, SCONIERS, AND GORSKI, JJ.

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CHARLES J. ZECK, JR. AND CLAUDIA ZECK,  
PLAINTIFFS-APPELLANTS,

V

ORDER

VICTOR GASPAR, DEFENDANT-RESPONDENT.

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MICHAELS & SMOLAK, P.C., AUBURN (MICHAEL G. BERSANI OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

SUGARMAN LAW FIRM, LLP, SYRACUSE (STEPHEN A. DAVOLI OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County (Craig J. Doran, A.J.), entered July 26, 2010 in a personal injury action. The order, among other things, denied in part plaintiffs' motion for summary judgment.

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

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court