

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

1167

CA 11-00072

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, SCONIERS, AND GREEN, JJ.

KURT A. WIEDENHAUPT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PAUL F. HOGAN, JR., DEFENDANT-APPELLANT.
(APPEAL NO. 3.)

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (JAMES W. GRESENS OF COUNSEL), FOR DEFENDANT-APPELLANT.

JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (HEATH J. SZYMCAK OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered December 22, 2010. The order, among other things, granted defendant's motion for leave to reargue, and upon reargument, adhered to the prior order entered August 16, 2010.

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

Same Memorandum as in *Wiedenhaupt v Hogan* ([appeal No. 2] ___ AD3d ___ [Nov. 18, 2011]).

Entered: November 18, 2011

Patricia L. Morgan
Clerk of the Court