

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

**737**

**CA 11-01970**

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

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STEPHEN NICHOLS, PLAINTIFF-APPELLANT,

V

ORDER

MARIE HACK, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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NIRA T. KERMISCH, SUDBURY, MASSACHUSETTS, FOR PLAINTIFF-APPELLANT.

LITTLER MENDELSON, P.C., ROCHESTER (PAMELA S.C. REYNOLDS OF COUNSEL),  
FOR DEFENDANT-RESPONDENT.

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Appeal from an amended judgment of the Supreme Court, Monroe County (David Michael Barry, J.), entered May 12, 2011. The amended judgment dismissed the complaint upon a jury verdict.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: June 15, 2012

Frances E. Cafarell  
Clerk of the Court