

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

1065

CA 12-02032

PRESENT: SCUDDER, P.J., SMITH, FAHEY, SCONIERS, AND VALENTINO, JJ.

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KIMBERLY L. ACKMAN, PLAINTIFF-APPELLANT,

V

ORDER

DOUGLAS C. GROSS, DEFENDANT-RESPONDENT.  
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DOUGLAS C. GROSS, THIRD-PARTY PLAINTIFF,

V

MARK HABERER, THIRD-PARTY DEFENDANT-RESPONDENT.

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LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT AND THIRD-PARTY PLAINTIFF.

HAGELIN KENT LLC, BUFFALO (VICTOR M. WRIGHT OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-RESPONDENT.  
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Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), entered January 17, 2012. The judgment awarded plaintiff money damages against defendant-third-party plaintiff upon a jury verdict.

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

Entered: November 15, 2013

Frances E. Cafarell  
Clerk of the Court