

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

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**CA 13-00857**

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ.

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RICHARD PIOTROWSKI, PLAINTIFF-RESPONDENT,

V

ORDER

MCGUIRE MANOR, INC., DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA LLP, BUFFALO (ALBERT J. D'AQUINO OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

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

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Appeal from an order of the Supreme Court, Erie County (Paula L. Feroleto, J.), entered March 18, 2013. The order denied defendant's motion to set aside the jury verdict.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; *see also CPLR 5501 [a] [1], [2]*).

Entered: May 2, 2014

Frances E. Cafarell  
Clerk of the Court