

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

1208

CA 13-00581

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

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CIPRIANA MARTINEZ, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

WILLIAM T. MURDOCK AND EMILY A. MURDOCK,  
DEFENDANTS-RESPONDENTS.

(APPEAL NO. 2.)

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LAW OFFICES OF MARC JONAS, UTICA (JASON D. FLEMMA OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SANTACROSE & FRARY, ALBANY (ELISE CASSAR OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered January 7, 2013. The order, inter alia, granted those parts of the motion of defendants for an order compelling plaintiff to appear for a medical examination and affording defendants an extension of time in which to file any "dispositive motions".

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

Same Memorandum as in *Martinez v Murdock* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Nov. 15, 2013]).

Entered: November 15, 2013

Frances E. Cafarell  
Clerk of the Court