

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D31763
G/nl

_____AD3d_____

Argued - May 27, 2011

WILLIAM F. MASTRO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
JEFFREY A. COHEN, JJ.

2011-00299

DECISION & ORDER

Koren Urquhart, respondent, v Town of Oyster Bay,
appellant, et al., defendant.

(Index No. 14215/05)

Burns, Russo, Tamigi & Reardon, LLP, Garden City, N.Y. (John T. Pieret of counsel), for appellant.

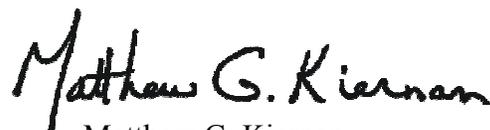
Kaplan Belsky Ross Bartell, LLP, Garden City, N.Y. (Lewis A. Bartell of counsel), for respondent.

In an action to recover damages for personal injuries, the defendant Town of Oyster Bay appeals from an order of the Supreme Court, Nassau County (Woodard, J.), entered December 16, 2010, which denied its motion pursuant to CPLR 4404(a) to set aside the jury verdict on the issue of liability and for judgment as a matter of law or, in the alternative, to set aside the jury verdict, *inter alia*, as contrary to the weight of the evidence and for a new trial on the issue of liability.

ORDERED that the appeal is dismissed, as academic, without costs or disbursements, in light of our determination of the appeal from the interlocutory judgment entered July 27, 2010, in *Urquhart v Town of Oyster Bay* (Appellate Division Docket No. 2010-08081, decided herewith).

MASTRO, J.P., ANGIOLILLO, CHAMBERS and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

June 14, 2011

URQUHART v TOWN OF OYSTER BAY