

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

**723**

**CA 08-02078**

PRESENT: MARTOCHE, J.P., SMITH, CENTRA, FAHEY, AND PINE, JJ.

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YVETTE HUFF, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ANITA L. RODRIGUEZ, FORMERLY KNOWN AS ANITA L.  
ROSARIO, AND ENRIQUE RODRIGUEZ,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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WAYNE C. FELLE, P.C., WILLIAMSVILLE (WAYNE C. FELLE OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (PATRICK S. KENNEY OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered September 26, 2008 in a personal injury action. The order settled the record in appeal No. 1.

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

Same Memorandum as in *Huff v Rodriguez* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [July 10, 2009]).

All concur; SMITH and PINE, JJ., concur in the Memorandum insofar as it concerns appeal No. 2 only.

Entered: July 10, 2009

Patricia L. Morgan  
Clerk of the Court