

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

1080

CA 08-01470

PRESENT: SCUDDER, P.J., MARTOCHE, PERADOTTO, AND GORSKI, JJ.

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JUSTINE THOMPSON, PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL COOPER, ESQ., STEPHEN BARNES, ESQ.,  
INDIVIDUALLY AND DOING BUSINESS AS THE BARNES  
FIRM AS SUCCESSORS IN INTEREST TO CELLINO &  
BARNES, ROSS CELLINO, INDIVIDUALLY AND AS  
PARTNER IN THE LAW FIRM OF CELLINO & BARNES,  
AND CELLINO & BARNES, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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CELLINO & BARNES, P.C., BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

S. ROBERT WILLIAMS, PLLC, SYRACUSE (MICHELLE RUDDEROW OF COUNSEL), AND  
BURKE & BURKE, ROCHESTER, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered July 1, 2008 in a legal malpractice action. The order adopted the order entered March 7, 2008 with respect to the motion of defendant Cellino & Barnes.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court