

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

549

CA 16-01553

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

MERCURY CASUALTY COMPANY, AS SUBROGEE OF RANDY
LEE DOLAN, PLAINTIFF-APPELLANT,

V

ORDER

LUIS F. REYES, DEFENDANT-RESPONDENT.

THE LAW OFFICE OF JASON TENENBAUM, P.C., GARDEN CITY (JASON TENENBAUM
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (JOHN R. CONDREN OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 14, 2016. The order denied plaintiff's motion to vacate that portion of a prior order of the court, granted on May 3, 2016, that awarded defendant costs and attorneys' fees from the plaintiff in the amount of \$1,215.00.

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

Entered: April 28, 2017

Frances E. Cafarell
Clerk of the Court