

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

**462**

**CA 16-00668**

PRESENT: WHALEN, P.J., SMITH, CENTRA, TROUTMAN, AND SCUDDER, JJ.

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CARMEN BRITT AND CARMEN BRITT, AS EXECUTOR OF  
THE ESTATE OF LULA BAITY, DECEASED,  
PLAINTIFF-APPELLANT,

V

ORDER

BUFFALO MUNICIPAL HOUSING AUTHORITY, ET AL.,  
DEFENDANTS,  
NELDA LAWLER, M.D. AND TERESA CHAU, M.D.,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 3.)

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TIMOTHY R. LOVALLO, BUFFALO, FOR PLAINTIFF-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL J. WILLETT OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 22, 2015. The order denied the motion of plaintiff for a default judgment against defendants Nelda Lawler, M.D., and Teresa Chau, M.D.

It is hereby ORDERED that said appeal is unanimously dismissed with costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: April 28, 2017

Frances E. Cafarell  
Clerk of the Court