

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

**557**

**CA 16-01678**

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

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LIFCARE USA, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

FIRST NIAGARA FINANCIAL GROUP,  
DEFENDANT-APPELLANT.

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HODGSON RUSS LLP, BUFFALO (STEPHEN W. KELKENBERG OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

WEBSTER SZANYI LLP, BUFFALO (ANDREW MILLER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 8, 2016. The order denied in part defendant's motion to dismiss plaintiff's amended complaint.

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