

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

1381

CA 14-01795

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

ANTOINE MARTIN, II, PLAINTIFF-APPELLANT,

V

ORDER

WALTER WITKOWSKI, DEFENDANT-RESPONDENT.

DEBORAH A. PUTNAM, AS ADMINISTRATRIX OF THE
ESTATE OF WALTER WITKOWSKI, SR., DECEASED,
RESPONDENT.
(APPEAL NO. 2.)

VINAL & VINAL, P.C., BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

NASH CONNORS, P.C., BUFFALO (JAMES J. NASH OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

LAW OFFICES OF GIALLEONARDO & HARTFORD, GETZVILLE (JENNIFER V.
SCHIFFMACHER OF COUNSEL), FOR RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered April 14, 2014. The order, among other things, denied the motion of plaintiff seeking leave to renew and reargue his opposition to defendant's motion to dismiss the complaint and seeking leave to amend the complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Abasciano v Dandrea*, 83 AD3d 1542, 1545 [4th Dept 2011]).

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court