

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

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CA 09-01849

PRESENT: SCUDDER, P.J., CARNI, GREEN, AND GORSKI, JJ.

DIANE FLOOD, AS GUARDIAN OF THE PERSON AND
PROPERTY OF ANNE MARIE FLOOD, AN INCAPACITATED
PERSON, PLAINTIFF-RESPONDENT,

V

ORDER

CSX TRANSPORTATION, INC., DEFENDANT-APPELLANT,
ET AL., DEFENDANT.

ANSPACH MEEKS ELLENBERGER LLP, BUFFALO (ROBERT M. ANSPACH OF COUNSEL),
FOR DEFENDANT-APPELLANT.

MAXWELL MURPHY, LLC, BUFFALO (ALAN D. VOOS OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered July 2, 2009 in a personal injury action. The order, inter alia, denied the motion of defendant CSX Transportation, Inc. to compel the deposition of plaintiff's expert.

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

Entered: March 19, 2010

Patricia L. Morgan
Clerk of the Court