

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

1393

CA 09-02534

PRESENT: CENTRA, J.P., CARNI, SCONIERS, AND PINE, JJ.

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ARTHUR J. SPRINGS, JR., PLAINTIFF-RESPONDENT,

V

ORDER

CITY OF BUFFALO, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.

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CITY OF BUFFALO, THIRD-PARTY PLAINTIFF-APPELLANT,

V

HARSCO CORPORATION AND PATENT CONSTRUCTION  
SYSTEMS, THIRD-PARTY DEFENDANTS-APPELLANTS.

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CONNORS & CORCORAN LLP, ROCHESTER, GOLDBERG SEGALLA LLP, ALBANY  
(MATTHEW S. LERNER OF COUNSEL), FOR DEFENDANT-APPELLANT AND THIRD-  
PARTY PLAINTIFF-APPELLANT.

LAW OFFICES OF DOUGLAS COPPOLA, BUFFALO (WILLIAM K. KENNEDY OF  
COUNSEL), FOR THIRD-PARTY DEFENDANTS-APPELLANTS.

PAUL WILLIAM BELTZ, P.C., BUFFALO (DEBRA A. NORTON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered February 25, 2009 in a personal injury action. The order granted the motion of plaintiff to set aside a jury verdict and ordered a new trial on damages.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court