

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

987

CA 14-00262

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND VALENTINO, JJ.

TIFFANE ELLINGTON, PLAINTIFF-APPELLANT,

V

ORDER

JOHN ELLINGTON, DEFENDANT-RESPONDENT.

ATHARI & ASSOCIATES, LLC, NEW HARTFORD (MO J. ATHARI OF COUNSEL), FOR PLAINTIFF-APPELLANT.

BURGIO, KITA, CURVIN & BANKER, BUFFALO (STEVEN P. CURVIN OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 7, 2013. The order, among other things, ordered plaintiff's counsel to pay defendant's counsel the sum of \$4,000 as partial reimbursement for expenses for a neuropsychological examination scheduled by defendant, which plaintiff failed to attend.

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

Entered: September 26, 2014

Frances E. Cafarell
Clerk of the Court