

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

**94**

**CA 08-01610**

PRESENT: MARTOCHE, J.P., FAHEY, GREEN, AND PINE, JJ.

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MARY E. LEONARD, ESQ., BANKRUPTCY TRUSTEE  
IN REGARDS TO THE ESTATE OF SAMUEL VANHORN  
AND ELLEN VANHORN, BANKRUPTCY CASE NO.  
04-65584, UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK,  
PLAINTIFF-RESPONDENT,

V

ORDER

THOMPSON & JOHNSON EQUIPMENT CO., INC., AND  
CLARK EQUIPMENT COMPANY, DOING BUSINESS AS  
MELROE COMPANY, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 3.)

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THORN GERSHON TYMANN AND BONANNI, LLP, ALBANY (ARTHUR H. THORN OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

ALEXANDER & CATALANO, LLC, SYRACUSE (JAMES L. ALEXANDER OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered July 16, 2008 in a personal injury  
action. The order, insofar as appealed from, denied that part of the  
motion of defendant Thompson & Johnson Equipment Co., Inc., for  
judgment notwithstanding the verdict and denied the motion of  
defendant Clark Equipment Company, doing business as Melroe Company,  
for judgment notwithstanding the verdict or, in the alternative, for a  
new trial.

It is hereby ORDERED that said appeals are unanimously dismissed  
without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*,  
155 AD2d 435; *see also CPLR 5501 [a] [1], [2]*).

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court