

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

499

CA 08-01420

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

KARLA R. GREEN, PLAINTIFF-APPELLANT,

V

ORDER

PASSENGER BUS CORPORATION, ET AL., DEFENDANTS,
GREYHOUND LINES, INC. AND ALLEN SIMMONS,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

CELLINO & BARNES, P.C., BUFFALO (JEFFREY C. SENDZIAK OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (GABRIELLE MARDANY
HOPE OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered December 3, 2007 in a personal injury action. The order denied the motion of plaintiff for leave to amend the complaint to add claims for punitive damages against defendants Greyhound Lines, Inc. and Allen Simmons.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court