

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

1178

CA 08-01872

PRESENT: MARTOCHE, J.P., CENTRA, FAHEY, PERADOTTO, AND GREEN, JJ.

KATHLEEN DOODY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

KENNETH L. GOTTSBALL AND DIANE A. GOTTSBALL,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

CELLINO & BARNES, P.C., BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered May 13, 2008 in a personal injury action. The order, inter alia, set aside the jury verdict on damages and ordered a new trial on the court's own initiative and in the interest of justice.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by dismissing the post-trial motion and by vacating those parts disqualifying defendants' attorney and his law firm and imposing costs upon defendants and as modified the order is affirmed without costs.

Same Memorandum as in *Doody v Gottshall* ([appeal No. 1] ___ AD3d ___ [Nov. 13, 2009]).

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court