

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

1306

**CA 09-00144**

PRESENT: HURLBUTT, J.P., CENTRA, FAHEY, PERADOTTO, AND GORSKI, JJ.

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JEFFREY M. GRINER, PLAINTIFF-RESPONDENT,

V

ORDER

MARLENE MORGAN FRANKEL, AS ADMINISTRATOR WITH THE WILL ATTACHED OF THE ESTATE OF SAMUEL NATHAN FRANKEL, DECEASED, AS EXECUTOR OF THE ESTATE OF FRANCES I. CHAMELI, DECEASED, AND ACEA M. MOSEY IN HER CAPACITY AS PUBLIC ADMINISTRATOR OF THE ESTATE OF JOHN M. CHAMELI, DECEASED,  
DEFENDANTS-APPELLANTS.

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

CELLINO & BARNES, P.C., BUFFALO (ELLEN B. STURM OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered May 16, 2008 in a personal injury action. The judgment awarded plaintiff money damages against defendants upon a jury verdict.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court