

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

1644

CA 09-00618

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

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BRIAN R. ATWATER AND MELISSA J. ATWATER,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

THUNDER BAY HOMES, ET AL., DEFENDANTS,  
RYDER TRUCK RENTAL, INC., ERIC J. CONGER,  
AND ANDREW FULLER, INDIVIDUALLY AND DOING  
BUSINESS AS ANDY FULLER TRUCKING OR FULLER  
TRUCKING, DEFENDANTS-APPELLANTS.

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HANCOCK & ESTABROOK, LLP, SYRACUSE (JANET D. CALLAHAN OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

HARRY V. ARMANI & ASSOCIATES, SYRACUSE (HARRY V. ARMANI OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered June 17, 2008 in a personal injury action. The order denied the motion of defendants Ryder Truck Rental, Inc., Eric J. Conger, and Andrew Fuller, individually and doing business as Andy Fuller Trucking or Fuller Trucking, for an order setting aside the jury verdict in favor of plaintiffs on the issue of liability.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for the reasons stated at Supreme Court.

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court