

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

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CA 08-02666

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ.

ALEXANDER LIFSON, EXECUTOR OF THE ESTATE OF
IRENE LIFSON, DECEASED,
PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

CITY OF SYRACUSE, DEFENDANT-RESPONDENT-APPELLANT,
AND DEREK J. KLINK, DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

LONGSTREET & BERRY, LLP, SYRACUSE (MICHAEL J. LONGSTREET OF COUNSEL),
FOR PLAINTIFF-APPELLANT-RESPONDENT.

RORY A. MCMAHON, CORPORATION COUNSEL, SYRACUSE (JAMES P. MCGINTY OF
COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (DONALD S. DIBENEDETTO OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal and cross appeal from an order of the Supreme Court,
Onondaga County (Brian F. DeJoseph, J.), entered November 26, 2008.
The order denied the motions of plaintiff and defendant City of
Syracuse to set aside the verdict and for a new trial.

It is hereby ORDERED that said appeal and cross appeal 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: April 30, 2010

Patricia L. Morgan
Clerk of the Court