

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

**499**

**CA 09-01074**

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

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PATRICK E. BURNS, PLAINTIFF-APPELLANT,

V

ORDER

LEE A. KROENING, ANN KROENING, INDIVIDUALLY  
AND AS EXECUTRIX OF THE ESTATE OF ALBERT  
KROENING, DECEASED, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.

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NORMAN J. LERUM, P.C., CHICAGO, ILLINOIS (NORMAN J. LERUM, OF THE  
ILLINOIS BAR, ADMITTED PRO HAC VICE, OF COUNSEL), AND COHEN &  
LOMBARDO, P.C., BUFFALO, FOR PLAINTIFF-APPELLANT.

BARTH SULLIVAN BEHR, BUFFALO (LAURENCE D. BEHR OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from a judgment and order (one paper) (denominated order)  
of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.),  
entered February 4, 2009 in a personal injury action. The judgment  
and order denied the motion of plaintiff to set aside a jury verdict  
and for a new trial.

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

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court