

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

551

CA 09-01612

PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ.

STEPHEN TURNER, PLAINTIFF-RESPONDENT,

V

ORDER

CSX TRANSPORTATION, INC. AND CONSOLIDATED
RAIL CORPORATION, DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

GOLDBERG SEGALLA LLP, ALBANY (MATTHEW S. LERNER OF COUNSEL), ANSPACH
MEEKS ELLENBERGER LLP, BUFFALO, AND BURNS, WHITE & HICTON, LLC,
PITTSBURGH, PENNSYLVANIA, FOR DEFENDANTS-APPELLANTS.

COLLINS, COLLINS & DONOGHUE, P.C., BUFFALO (PATRICK DONOGHUE OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 29, 2008 in a personal injury action. The order, insofar as appealed from, granted in part plaintiff's motion in limine and denied in part defendants' motion in limine.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Scalp & Blade v Advest, Inc.*, 309 AD2d 219, 224; *see also* CPLR 5701 [a] [2] [v]).

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court