

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

1207

CA 11-00952

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

TONYA E. LILLEY, PLAINTIFF-RESPONDENT,

V

ORDER

CINCINNATI FREIGHT EXPRESS, DOING BUSINESS AS
CINCINNATI FREIGHT EXPEDITORS, DEFENDANT,
AND GEORGE W. HARDY, DEFENDANT-APPELLANT.

SMITH, MURPHY & SCHOEPFERLE, LLP, BUFFALO (STEPHEN P. BROOKS OF
COUNSEL), FOR DEFENDANT-APPELLANT.

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

Appeal from an order of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered February 25, 2011 in a personal injury action. The order, insofar as appealed from, denied in part the motion of defendant George W. Hardy for summary judgment.

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

Entered: November 10, 2011

Patricia L. Morgan
Clerk of the Court