

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

271

CA 11-00679

PRESENT: SMITH, J.P., FAHEY, LINDLEY, AND MARTOCHE, JJ.

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DEERE & COMPANY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

M.P. JONES COMPANIES, INC., MELISSA A. HORNUNG  
AND RICHARD R. JONES, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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GILLES R.R. ABITBOL, LIVERPOOL, FOR DEFENDANTS-APPELLANTS.

COSTELLO, COONEY & FEARON, PLLC, CAMILLUS (JENNIFER E. MATHEWS OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered January 19, 2011 in a breach of contract action. The order awarded plaintiff a "judgment" of attorney's fees in the amount of \$20,523.25 and costs in the amount of \$2,003.30 against defendants.

It is hereby ORDERED that the order so appealed from is unanimously affirmed with costs.

Same Memorandum as in *Deere & Co. v M.P. Jones Cos., Inc.* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Mar. 16, 2012]).

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court