

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

804

CA 11-02005

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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DONOVAN HUMPHREY, PLAINTIFF-APPELLANT,

V

ORDER

EDWARD COMPANY, ET AL., DEFENDANTS,  
AND BEN PENNETTA, DEFENDANT-RESPONDENT.

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ATHARI & ASSOCIATES, LLC, UTICA (MO ATHARI OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SLIWA & LANE, BUFFALO (STANLEY J. SLIWA OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 31, 2011 in a personal injury action. The order, inter alia, granted the motion of defendant Ben Pennetta to videotape the deposition of plaintiff.

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

Entered: June 8, 2012

Frances E. Cafarell  
Clerk of the Court