

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

1044

CA 12-00563

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

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LORI HOOVER AND JESSICA BOWERS,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

NEW HOLLAND NORTH AMERICA, INC., FORMERLY  
KNOWN AS FORD NEW HOLLAND, INC., CASE NEW  
HOLLAND, INC., NIAGARA FRONTIER EQUIPMENT  
SALES, INC., FORMERLY KNOWN AS NIAGARA  
FORD NEW HOLLAND, INC.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

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CNH AMERICA LLC, THIRD-PARTY  
PLAINTIFF-APPELLANT,

V

KYLE P. ANDREWS, TREASURER OF NIAGARA  
COUNTY, AS TEMPORARY ADMINISTRATOR FOR  
THE ESTATE OF GARY HOOVER, DECEASED,  
THIRD-PARTY DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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PHILLIPS LYTTLE LLP, BUFFALO (PAUL F. JONES OF COUNSEL), AND NIXON  
PEABODY LLP, FOR DEFENDANTS-APPELLANTS AND THIRD-PARTY PLAINTIFF-  
APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Niagara County  
(Richard C. Kloch, Sr., A.J.), entered September 30, 2011. The order,  
inter alia, denied in part the posttrial motions of the parties.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*,  
155 AD2d 435; *see also* CPLR 5501 [a] [1], [2]).

Entered: November 16, 2012

Frances E. Cafarell  
Clerk of the Court