

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

1190

CA 12-00076

PRESENT: SCUDDER, P.J., CARNI, SCONIERS, VALENTINO, AND WHALEN, JJ.

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COUNTY OF ERIE, PLAINTIFF-RESPONDENT,

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ORDER

M/A-COM, INC., ET AL., DEFENDANTS,  
AND KEVIN J. COMERFORD, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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DAVID J. SEEGER, BUFFALO, FOR DEFENDANT-APPELLANT.

GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C., BUFFALO (KATHERINE M.  
LIEBNER OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered February 23, 2011. The order denied the motion of defendant Kevin J. Comerford to compel plaintiff to pay the costs of his defense in the action.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: March 15, 2013

Frances E. Cafarell  
Clerk of the Court