

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

973

**CA 12-01850**

PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, AND VALENTINO, JJ.

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PATRICIA J. CURTO, PLAINTIFF-APPELLANT,

V

ORDER

NATIONAL FUEL CORPORATION, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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PATRICIA J. CURTO, PLAINTIFF-APPELLANT PRO SE.

HARTER SECREST & EMERY, LLP, BUFFALO (DANIEL J. ALTIERI OF COUNSEL),  
FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered January 17, 2012. The order denied the motion of plaintiff for reargument.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Empire Ins. Co. v Food City*, 167 AD2d 983, 984).

Entered: September 27, 2013

Frances E. Cafarell  
Clerk of the Court