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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 226 SSM 35  
Ricky D. West, Robert H. West,  
Roxy G. Bush, Pamela J. Judd,  
Jodi M. (White) Lynch, Charles K.  
West, Michael West and Jamie-Sue  
West,

Respondents,

v.

Mark Hogan and Elizabeth Hogan,  
Appellants,  
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Mark Hogan and Elizabeth Hogan,  
Third-Party Plaintiffs-  
Appellants,

v.

David Vandewater,  
Third-Party Defendant  
Respondent.

Submitted by Paul G. Joyce, for appellants.  
Submitted by Peter L. Walton, for respondents.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order affirmed, with costs. The courts below did not err as a  
matter of law in awarding punitive damages (see Ross v Louise  
Wise Servs., Inc., 8 NY3d 478, 489 [2007]). Chief Judge Lippman  
and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones  
concur.

Decided October 25, 2012