

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

741

CA 11-02080

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

DARLENE DONALD, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

DEVAN E. AHERN, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (KRISTEN M. BENSON OF COUNSEL), FOR DEFENDANT-APPELLANT.

LYNN LAW FIRM, LLP, SYRACUSE (PATRICIA A. LYNN-FORD OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered September 22, 2011 in a personal injury action. The order denied the motion of defendant to strike plaintiff's note of issue and certificate of readiness.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the motion is granted and the note of issue and certificate of readiness are vacated.

Same Memorandum as in *Donald v Ahern* ([appeal No. 1] ____ AD3d ____ [June 15, 2012]).

Entered: June 15, 2012

Frances E. Cafarell
Clerk of the Court