

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

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CA 15-01017

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, AND SCUDDER, JJ.

PAULA GIBBS, PLAINTIFF-APPELLANT,

V

ORDER

STATE FARM FIRE AND CASUALTY CO.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (GERALD T. WALSH OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

MURA & STORM, PLLC, BUFFALO (ERIC T. BORON OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered April 23, 2015. The judgment, insofar as appealed from, ordered a new trial on damages to the dwelling and additional living expenses unless plaintiff stipulates to damages of \$43,000 and \$11,669.60, respectively.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Entered: March 18, 2016

Frances E. Cafarell
Clerk of the Court