

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

934

CA 16-01657

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, CURRAN, AND WINSLOW, JJ.

TRAVIS M. BRAUN, PLAINTIFF-RESPONDENT,

V

ORDER

CHRISTOPHER J. CESAREO, MEDTRONIC, INC., AND
MEDTRONIC USA, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 1.)

GREENBERG TRAUIG LLP, NEW YORK CITY (NOAH A. LEVINE OF COUNSEL), AND
WOODS OVIATT GILMAN LLP, ROCHESTER, FOR DEFENDANTS-APPELLANTS.

FARACI LANGE, LLP, ROCHESTER (STEPHEN G. SCHWARZ OF COUNSEL), AND
MICHAEL G. COOPER, HAMBURG, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 23, 2015. The order, upon a nonjury trial adjudged, among other things, that defendant Christopher J. Cesareo was 50% liable for the accident.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988, 988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567 [1st Dept 1978]; *see also CPLR 5501 [a] [1]*).

Entered: March 15, 2019

Mark W. Bennett
Clerk of the Court