

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

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CA 09-01419

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND GORSKI, JJ.

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KEVIN E. DELONG, PLAINTIFF-APPELLANT,

V

ORDER

COUNTY OF CHAUTAUQUA, DEFENDANT-RESPONDENT.

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COUNTY OF CHAUTAUQUA, THIRD-PARTY  
PLAINTIFF,

V

RHONDA DELONG, THIRD-PARTY  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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ERICKSON WEBB SCOLTON & HAJDU, LAKEWOOD (PAUL V. WEBB, JR., OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (ANTHONY B. TARGIA OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (THOMAS P.  
CUNNINGHAM OF COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(Timothy J. Walker, A.J.), entered March 5, 2009 in a personal injury  
action. The order denied the motion of plaintiff to set aside the  
verdict.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Smith v Catholic Med. Ctr. of Brooklyn & Queens*,  
155 AD2d 435; *see also CPLR 5501 [a] [1], [2]*).

Entered: March 26, 2010

Patricia L. Morgan  
Clerk of the Court