

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

550

**CA 09-00759**

PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ.

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STEPHEN TURNER, PLAINTIFF-RESPONDENT,

V

ORDER

CSX TRANSPORTATION, INC. AND CONSOLIDATED  
RAIL CORPORATION, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA LLP, ALBANY (MATTHEW S. LERNER OF COUNSEL), ANSPACH  
MEEKS ELLENBERGER LLP, BUFFALO, AND BURNS, WHITE & HICTON, LLC,  
PITTSBURGH, PENNSYLVANIA, FOR DEFENDANTS-APPELLANTS.

COLLINS, COLLINS & DONOGHUE, P.C., BUFFALO (PATRICK DONOGHUE OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Erie County  
(Frederick J. Marshall, J.), entered November 18, 2008 in a personal  
injury action. The judgment awarded plaintiff money damages upon a  
jury verdict.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court