

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

**632**

**CA 09-02383**

PRESENT: SCUDDER, P.J., CENTRA, CARNI, SCONIERS, AND PINE, JJ.

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RUTH FEDESON AND JAMES FEDESON,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

HOWARD JOHNSON TIKI RESORT INN, HOWARD JOHNSON  
TIKI MOTOR INN, TIKI MOTOR INN CORP., HOWARD  
JOHNSON MOTOR LODGES, INC., PRIME HOSPITALITY  
CORP., CENDANT HOSPITALITY, AND WYNDHAM  
WORLDWIDE CORPORATION, DEFENDANTS-APPELLANTS.

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RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA, LLC, BUFFALO (MICHAEL T.  
FEELEY OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

MARK D. GROSSMAN, NIAGARA FALLS, FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Niagara County (Ralph  
A. Boniello, III, J.), entered June 15, 2009 in a personal injury  
action. The order denied defendants' motion to dismiss the complaint.

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

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court