

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

1030

**CA 14-01461**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, WHALEN, AND DEJOSEPH, JJ.

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KATHLEEN A. BURGER AND DOUGLAS W. BURGER,  
PLAINTIFFS-APPELLANTS,

V

ORDER

KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL  
DISTRICT, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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THE COSGROVE LAW FIRM, BUFFALO (J. MICHAEL LENNON OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (THOMAS J. SPEYER OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered November 6, 2013. The order denied the motion of plaintiffs to set aside the verdict and for a new trial.

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]).

Entered: October 2, 2015

Frances E. Cafarell  
Clerk of the Court