

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

211

**CA 16-00916**

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND SCUDDER, JJ.

---

JANINE GALLO, PLAINTIFF-RESPONDENT,

V

ORDER

SCOTT T. WICKS, DEFENDANT-APPELLANT.

---

LAW OFFICES OF JOHN TROP, ROCHESTER (THOMAS P. DURKIN OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (DEANNA RUSSELL OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered March 21, 2016. The order, among other things, granted the motion of plaintiff for a directed verdict on liability.

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

Entered: February 3, 2017

Frances E. Cafarell  
Clerk of the Court