

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

935

CA 16-01658

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, CURRAN, AND WINSLOW, JJ.

TRAVIS M. BRAUN, PLAINTIFF-RESPONDENT,

V

ORDER

CHRISTOPHER J. CESAREO, MEDTRONIC, INC., AND
MEDTRONIC USA, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

GREENBERG TRAUIG LLP, NEW YORK CITY (NOAH A. LEVINE OF COUNSEL), AND
WOODS OVIATT GILMAN LLP, ROCHESTER, FOR DEFENDANTS-APPELLANTS.

FARACI LANGE, LLP, ROCHESTER (STEPHEN G. SCHWARZ OF COUNSEL), AND
MICHAEL G. COOPER, HAMBURG, FOR PLAINTIFF-RESPONDENT.

Appeal from an amended order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered December 4, 2015. The amended order adjudged, among other things, that defendant Christopher J. Cesareo was 50% liable for the accident, and that defendant Medtronic, Inc. is vicariously liable for the conduct of defendant Christopher J. Cesareo.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988, 988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567 [1st Dept 1978]; see also CPLR 5501 [a] [1]).

Entered: March 15, 2019

Mark W. Bennett
Clerk of the Court