

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

**938**

**CA 18-00005**

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

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TRAVIS M. BRAUN, PLAINTIFF-RESPONDENT,

V

ORDER

CHRISTOPHER J. CESAREO, MEDTRONIC, INC., AND  
MEDTRONIC USA, INC., DEFENDANTS-APPELLANTS.  
(APPEAL NO. 5.)

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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.

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Appeal from a statement for judgment of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 25, 2017. The statement for judgment, among other things, awarded plaintiff the sum of \$21,451,518.69 as against defendants.

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