

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

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CA 18-00562

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

MARK HOGAN AND ELIZABETH HOGAN, INDIVIDUALLY,
AND AS PARENTS AND NATURAL GUARDIANS OF JACK A.
HOGAN, AN INFANT, AND ITHACA G. HOGAN, AN INFANT,
PLAINTIFFS-APPELLANTS,

V

ORDER

DAVID VANDEWATER, FRANK P. ROSE, AND GINA
NICOLETTI, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

BOSMAN LAW FIRM, LLC, ROME (A.J. BOSMAN OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

MARK D. GORIS, CAZENOVIA, FOR DEFENDANT-RESPONDENT DAVID VANDEWATER.

SLYE LAW OFFICES, P.C., WATERTOWN (ROBERT J. SLYE OF COUNSEL), FOR
DEFENDANT-RESPONDENT FRANK P. ROSE.

BARCLAY DAMON LLP, ROCHESTER (KELSEY TILL THOMPSON OF COUNSEL), FOR
DEFENDANT-RESPONDENT GINA NICOLETTI.

Appeal from an order of the Supreme Court, Lewis County (Patrick F. MacRae, J.), entered December 18, 2017. The order, among other things, denied that part of plaintiffs' motion seeking judgment as a matter of law and a new trial on damages or, alternatively, 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, 435 [2d Dept 1989]; *see also CPLR 5501 [a] [1]*).

Entered: May 3, 2019

Mark W. Bennett
Clerk of the Court