

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

803

**CA 18-01948**

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ.

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JAYME A. MAST, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

GERARD A. DESIMONE, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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JOSEPH E. DIETRICH, III, WILLIAMSVILLE, MAGAVERN MAGAVERN GRIMM LLP,  
BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR PLAINTIFF-APPELLANT.

LAW OFFICES OF JOHN TROP, BUFFALO (TIFFANY D'ANGELO OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered April 25, 2018. The order denied the motion of plaintiff to set aside a jury verdict.

It is hereby ORDERED that said appeal is dismissed without costs.

Same memorandum as in *Mast v DeSimone* ([appeal No. 2] – AD3d – [Nov. 15, 2019] [4th Dept 2019]).

Entered: November 15, 2019

Mark W. Bennett  
Clerk of the Court