

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

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CA 16-00716

PRESENT: SMITH, J.P., CENTRA, CARNI, DEJOSEPH, AND WINSLOW, JJ.

ALOEK CHAUDHURI, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

MARGARET KILMER, AS ADMINISTRATRIX OF THE
ESTATE OF MICHAEL A. JONES, JR., DECEASED,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

GERARD A. STRAUSS, NORTH COLLINS, FOR PLAINTIFF-APPELLANT.

AUGELLO & MATTELIANO, LLP, BUFFALO (JOSEPH A. MATTELIANO OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered April 21, 2016. The order denied plaintiff's motion to settle the record insofar as he sought to include in the record on appeal a "Response Affidavit to Memorandum of Law."

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

Same memorandum as in *Chaudhuri v Kilmer* ([appeal No. 1] - AD3d - [Feb. 9, 2018] [4th Dept 2018]).

Entered: February 9, 2018

Mark W. Bennett
Clerk of the Court