

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

908

CA 17-02165

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

HENDERSON HARBOR MARINERS' MARINA, INC., AND
MARLA COHEN, PLAINTIFFS-RESPONDENTS,

V

ORDER

UPSTATE NATIONAL BANK, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

BARCLAY DAMON LLP, SYRACUSE (ALAN R. PETERMAN OF COUNSEL), FOR
DEFENDANT-APPELLANT.

AMDURSKY, PELKY, FENNEL, WALLEN, P.C., OSWEGO (TIMOTHY J. FENNEL OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Onondaga County
(Anthony J. Paris, J.), entered August 11, 2017. The order denied
defendant's motion to set aside the jury verdict in favor of
plaintiffs on plaintiffs' second cause of action and to dismiss
plaintiffs' second cause of action.

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: November 9, 2018

Mark W. Bennett
Clerk of the Court