

<b>Barnhard v Cybex Intl., Inc.</b>
2008 NY Slip Op 07388 [55 AD3d 1348]
October 3, 2008
Appellate Division, Fourth Department
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<b>Natalie M. Barnhard, Respondent, v Cybex International, Inc., Appellant.</b>
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—[\*1] Hurwitz & Fine, P.C., Buffalo (Harry F. Mooney of counsel), for defendant-appellant.

Phillips Lytle LLP, Buffalo (Kevin J. English of counsel), for plaintiff-respondent.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 18, 2008 in a personal injury action. The order granted plaintiff's motion to compel and denied defendant's cross motion for a protective order.

It is hereby ordered that the order so appealed from is unanimously affirmed without costs. Present—Centra, J.P., Lunn, Peradotto, Green and Pine, JJ.