

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

1147

CA 13-00716

PRESENT: CENTRA, J.P., FAHEY, CARNI, SCONIERS, AND VALENTINO, JJ.

JENNIFER KRAJEWSKI AND ADAM KRAJEWSKI,
PLAINTIFFS-RESPONDENTS,

V

ORDER

LINDA ANDRIACCIO, NICHOLAS ANDRIACCIO,
DEFENDANTS-RESPONDENTS,
AND TRUTEMP HEATING, INC., DEFENDANT-APPELLANT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, ROCHESTER (MATTHEW
A. LENHARD OF COUNSEL), FOR DEFENDANT-APPELLANT.

CANTOR, DOLCE & PANEPINTO, P.C., BUFFALO (FRANK J. DOLCE OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (RICHARD T. SARAF OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered February 21, 2013. The order, *inter alia*, denied the motion of defendant Trutemp Heating, Inc. for summary judgment dismissing the second amended complaint and all cross claims against it, and to strike plaintiffs' note of issue and certificate of readiness and compel disclosure of the mental health records of plaintiff Jennifer Krajewski.

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

Entered: November 8, 2013

Frances E. Cafarell
Clerk of the Court