

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

858

CA 18-01733

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

JOSEPH HARTNETT AND MARIKA HARTNETT,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

MICHAEL ZUCHOWSKI, DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(APPEAL NO. 2.)

JOSEPH G. MAKOWSKI, LLC, BUFFALO (JOSEPH G. MAKOWSKI OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

OSBORN, REED & BURKE, LLP, ROCHESTER (JEFFREY P. DIPALMA OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Emilio L. Colaiacovo, J.), entered December 4, 2017. The order, insofar as appealed from, denied plaintiffs' cross motion for partial summary judgment against defendant Michael Zuchowski on the issue of liability.

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

Same memorandum as in *Hartnett v Zuchowski* ([appeal No. 1] – AD3d – [Sept. 27, 2019] [4th Dept 2019]).

Entered: September 27, 2019

Mark W. Bennett
Clerk of the Court