

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

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CA 19-00400

PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND BANNISTER, JJ.

JORDAN MCDOWELL, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

JAMES EADS, ET AL., DEFENDANTS,
AND MICHAEL C. BRANT, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

BENNETT SCHECHTER ARCURI & WILL LLP, BUFFALO (PETER D. CANTONE OF COUNSEL), FOR DEFENDANT-APPELLANT.

HEMMING & STAEHR, P.C., WILLIAMSVILLE (JONATHAN E. STAEHR OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 23, 2018. The order denied the motion of defendant Michael C. Brant for summary judgment dismissing the amended complaint against him.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the motion is granted, and the amended complaint is dismissed against defendant Michael C. Brant.

Same memorandum as in *McDowell v Maldovan* ([appeal No. 1] – AD3d – [Mar. 13, 2020] [4th Dept 2020]).

Entered: March 13, 2020

Mark W. Bennett
Clerk of the Court