

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

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CA 08-01829

PRESENT: HURLBUTT, J.P., CENTRA, PERADOTTO, GREEN, AND GORSKI, JJ.

PAUL THOMAS ZULAWSKI, JR., PLAINTIFF-APPELLANT,

V

ORDER

RICHARD TAYLOR, PATRICIA HARTNER, DONALD G.
POWELL, ESQ., ZDARSKY, SAWICKI & AGOSTINELLI,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.
(APPEAL NO. 1.)

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (THOMAS
CUNNINGHAM OF COUNSEL), FOR PLAINTIFF-APPELLANT.

LAW OFFICE OF RALPH C. LORIGO, WEST SENECA (RALPH C. LORIGO OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS RICHARD TAYLOR AND PATRICIA
HARTNER.

CONNORS & VILARDO, LLP, BUFFALO (RANDALL D. WHITE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS DONALD G. POWELL, ESQ. AND ZDARSKY, SAWICKI &
AGOSTINELLI.

Appeal from an order of the Supreme Court, Erie County (Timothy
J. Walker, A.J.), entered June 4, 2008 in an action for, inter alia,
breach of contract. The order granted the motion of defendants
Richard Taylor and Patricia Hartner to strike plaintiff's demand for a
jury trial.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Trocom Constr. Corp. v Consolidated Edison Co. of
N.Y., Inc.*, 7 AD3d 434, 437-438; *see also* CPLR 5501 [a] [1]).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court