

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

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**CA 09-01724**

PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND LINDLEY, JJ.

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N&W CONSTRUCTION COMPANY, INC., PLAINTIFF,  
AND BRAWDY CONSTRUCTION, INC.,  
PLAINTIFF-APPELLANT,

V

ORDER

ROOSA FAMILY ASSOCIATES, LIMITED PARTNERSHIP,  
JOSEPH B. ROOSA, INDIVIDUALLY, NORTHWEST  
SAVINGS BANK, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.

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JOHN J. LAVIN, P.C., BUFFALO (JOHN J. LAVIN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (BRENDAN H. LITTLE OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered April 3, 2009 in an action for, inter alia, foreclosure of a mechanic's lien. The order, insofar as appealed from, denied the motion of plaintiff Brawdy Construction, Inc. for an extension of the notice of pendency and granted the cross motion of defendants Roosa Family Associates, Limited Partnership, Joseph B. Roosa, individually, and Northwest Savings Bank to vacate the mechanic's lien of that plaintiff.

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

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court