

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

1479

CA 10-01290

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, PERADOTTO, AND GREEN, JJ.

ACTIVE WORKFORCE, INC., PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL CRYAN, DEFENDANT-APPELLANT,
LAWLEY SERVICES, INC., DEFENDANT-RESPONDENT,
ET AL., DEFENDANT.

GOLDBERG SEGALLA LLP, BUFFALO (SARAH J. DELANEY OF COUNSEL), FOR
DEFENDANT-APPELLANT.

FRANCIS W. TESSEYMAN, JR., BUFFALO, FOR PLAINTIFF-RESPONDENT.

GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C., BUFFALO (R. SCOTT ATWATER OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered September 17, 2009. The order, insofar as appealed from, denied the motion of defendant Michael Cryan for summary judgment and granted the cross motion of defendant Lawley Services, Inc. for a conditional order of indemnification against Michael Cryan.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: December 30, 2010

Patricia L. Morgan
Clerk of the Court