

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

1554

CA 10-01287

PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ.

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THOMAS C. RYAN, PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

PORT OF OSWEGO AUTHORITY, ALSO KNOWN AS OSWEGO  
PORT AUTHORITY, DEFENDANT-RESPONDENT-APPELLANT.

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SUGARMAN LAW FIRM, LLP, SYRACUSE (JENNA W. KLUCSIK OF COUNSEL), FOR  
PLAINTIFF-APPELLANT-RESPONDENT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (JAMES W. CUNNINGHAM  
OF COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court,  
Oswego County (Norman W. Seiter, Jr., J.), entered October 20, 2009 in  
a personal injury action. The order denied the motion of plaintiff  
for partial summary judgment on liability on the Labor Law § 240 (1)  
cause of action and denied defendant's cross motion to dismiss the  
complaint.

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

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court