

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

1621

CA 10-01331

PRESENT: MARTOCHE, J.P., FAHEY, CARNI, LINDLEY, AND SCONIERS, JJ.

TERESA E. MARTIN,
PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

ROCHESTER ATHLETIC CLUB AND 21 GOODWAY
DRIVE, INC., DEFENDANTS-RESPONDENTS.

ROCHESTER ATHLETIC CLUB AND 21 GOODWAY DRIVE,
INC., THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

YORUK PROPERTIES, LLC, THIRD-PARTY
DEFENDANT-RESPONDENT-APPELLANT.

CELLINO & BARNES, P.C., BUFFALO (ELLEN B. STURM OF COUNSEL), FOR
PLAINTIFF-APPELLANT-RESPONDENT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, ROCHESTER (ALISON
M.K. LEE OF COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT.

DAMON MOREY LLP, BUFFALO (AMY ARCHER FLAHERTY OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS AND THIRD-PARTY PLAINTIFFS-RESPONDENTS.

Appeal and cross appeal from an order of the Supreme Court,
Monroe County (Evelyn Frazee, J.), entered October 14, 2009 in a
personal injury action. The order granted defendants-third-party
plaintiffs' motion for summary judgment dismissing plaintiff's
complaint and granted plaintiff's cross motion for partial summary
judgment.

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