

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

760

CA 10-02319

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ.

BARBARA MILLER AND RICHARD HUGO MILLER,
PLAINTIFFS-APPELLANTS,

V

ORDER

LAURIEANN BUCK, ET AL., DEFENDANTS,
AND TOWN OF CHEEKTOWAGA, DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

LOTEMPIO & BROWN, P.C., BUFFALO (PATRICK J. BROWN OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (ARTHUR A. HERDZIK OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 6, 2010 in a personal injury action. The order granted the motion of defendant Town of Cheektowaga for summary judgment dismissing the complaint and all cross claims against it.

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

Entered: June 10, 2011

Patricia L. Morgan
Clerk of the Court