

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

761

CA 10-02320

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,
SALVATORE SPINUZZA AND LABELLA SICILIA, INC.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

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

LAW OFFICES OF LAURIE G. OGDEN, BUFFALO (PAMELA S. SCHALLER OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 8, 2010 in a personal injury action. The order granted the motion of defendants Salvatore Spinuzza and LaBella Sicilia, Inc. for summary judgment and dismissed the complaint and all cross claims against them.

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