

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

783

CA 11-00281

PRESENT: SMITH, J.P., CENTRA, FAHEY, GORSKI, AND MARTOCHE, JJ.

SHAWN STENGLEIN, PLAINTIFF-RESPONDENT,

V

ORDER

JOHN REIGLE, DEFENDANT,
AND QUALITY HOMES OF ROCHESTER, INC.,
DEFENDANT-APPELLANT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, ROCHESTER (MATTHEW A. LENHARD OF COUNSEL), FOR DEFENDANT-APPELLANT.

RINERE & RINERE, LLP, ROCHESTER (JOSEPH D. RINERE OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered May 5, 2010 in a personal injury action. Insofar as appealed from, the order, inter alia, granted the motion of plaintiff for partial summary judgment against defendant Quality Homes of Rochester, Inc. pursuant to Labor Law § 240 (1) and denied that part of the cross motion of defendant Quality Homes of Rochester, Inc. for summary judgment dismissing plaintiff's Labor Law § 240 (1) claim.

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: June 10, 2011

Patricia L. Morgan
Clerk of the Court