

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

**186**

**CA 11-00985**

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND LINDLEY, JJ.

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MICHAEL REW, PLAINTIFF-RESPONDENT,

V

ORDER

VALEO, INC. AND VALEO ENGINE COOLING, INC.,  
DEFENDANTS.

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VALEO, INC., THIRD-PARTY PLAINTIFF-RESPONDENT,

V

DIVERSIFIED ERECTION SERVICES, INC.,  
THIRD-PARTY DEFENDANT-APPELLANT.

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KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (WENDY A. SCOTT OF COUNSEL),  
FOR THIRD-PARTY DEFENDANT-APPELLANT.

PHILLIPS LYTTLE LLP, BUFFALO (WILLIAM D. CHRIST OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFF-RESPONDENT.

BROWN CHIARI LLP, LANCASTER (SAMUEL J. CAPIZZI OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Niagara County  
(Ralph A. Boniello, III, J.), entered December 22, 2010 in a personal  
injury action. The amended order, among other things, denied in part  
third-party defendant's motion for summary judgment.

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

Entered: February 17, 2012

Frances E. Cafarell  
Clerk of the Court