

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

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CA 08-01394

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PINE, JJ.

JOHN H. RING, III, AS TRUSTEE OF THE CHAPTER 7
BANKRUPTCY ESTATE OF ERIC GIERLINGER, ET AL.,
PLAINTIFFS,

V

ORDER

JEFFREY BUSH, ALSO KNOWN AS JEFF BUSH,
DEFENDANT.

JEFFREY BUSH, ALSO KNOWN AS JEFF BUSH,
THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT,

V

TOWN OF GAINESVILLE, THIRD-PARTY
DEFENDANT-RESPONDENT,
AND VILLAGE OF WARSAW, THIRD-PARTY
DEFENDANT-RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

BROWN & KELLY, LLP, BUFFALO (MARK J. SCHAEFER OF COUNSEL), FOR
THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT.

LIPPMAN O'CONNOR, BUFFALO (CHRISTOPHER M. DUGGAN OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT.

SUGARMAN LAW FIRM, LLP, BUFFALO (BRIAN SUTTER OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court,
Wyoming County (Mark H. Dadd, A.J.), entered January 21, 2008 in a
personal injury action. The order denied the motions of third-party
defendants for summary judgment dismissing the third-party complaint.

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

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court