

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

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CA 08-01395

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,

V

TOWN OF GAINESVILLE AND VILLAGE OF WARSAW,
THIRD-PARTY DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

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

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

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

Appeal from an order of the Supreme Court, Wyoming County (Mark
H. Dadd, A.J.), entered February 20, 2008 in a personal injury action.
The order amended the order entered January 21, 2008 by providing that
the motions of third-party defendants for summary judgment dismissing
the third-party complaint are denied without prejudice.

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

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court