

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

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CA 08-02499

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

JANET K. HOLLINGSWORTH, AS LIMITED
ADMINISTRATRIX OF THE GOODS, CHATTELS AND
CREDITS OF ROBERT J. HOLLINGSWORTH,
DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

BRUCE CAPAN, MATCO TOOLS CORPORATION,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.

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

FARACI LANGE, LLP, ROCHESTER (JOSEPH A. REGAN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Harold
L. Galloway, J.), entered June 28, 2008 in a wrongful death action.
The order denied the motion of defendants Bruce Capan and Matco Tools
Corporation for summary judgment.

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: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court