

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

629

CA 08-00798

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

SENECA PIPE & PAVING CO., INC.,
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

CHRISTA CONSTRUCTION CO., INC.,
ET AL., DEFENDANTS,
AND JAVEN CONSTRUCTION CO., INC.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

LAW OFFICE OF JOSEPH A. CAMARDO, AUBURN (KEVIN M. COX OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

HARRIS BEACH PLLC, PITTSFORD (LAURA W. SMALLEY OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Seneca County (David Michael Barry, J.), entered August 24, 2007. The order, among other things, granted the cross motion of defendant Javen Construction Co., Inc. for summary judgment dismissing the complaint against it.

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

Same Memorandum as in *Seneca Pipe & Paving Co., Inc. v South Seneca Cent. School Dist.* ([appeal No. 1] ___ AD3d ___ [June 5, 2009]).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court