

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

917

CA 08-00059

PRESENT: CENTRA, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

LESTER A. JOHNS, PLAINTIFF-RESPONDENT,

V

ORDER

LESTER JOHNS, INC., MCN CONSTRUCTION, INC.,
PHILIP E. MCNULTY, INDIVIDUALLY, AND FRANCES
MCNULTY, INDIVIDUALLY, DEFENDANTS-APPELLANTS.

IN THE MATTER OF LESTER A. JOHNS,
PETITIONER-RESPONDENT,

V

LESTER JOHNS, INC., MCN CONSTRUCTION, INC.,
PHILIP E. MCNULTY, INDIVIDUALLY, FRANCES
MCNULTY, INDIVIDUALLY, RESPONDENTS-APPELLANTS,
ET AL., RESPONDENTS.
(APPEAL NO. 1.)

DADD AND NELSON PLLC, ATTICA (DAVID H. NELSON OF COUNSEL), FOR
DEFENDANTS-APPELLANTS AND RESPONDENTS-APPELLANTS.

GLENN R. MORTON, BATAVIA, FOR PLAINTIFF-RESPONDENT AND PETITIONER-
RESPONDENT.

Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered April 19, 2007. The order awarded judgment in favor of plaintiff-petitioner on certain causes of action after a nonjury trial.

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: June 5, 2009

Patricia L. Morgan
Clerk of the Court