

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

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CA 11-02409

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND SCONIERS, JJ.

NEW YORK STATE THRUWAY AUTHORITY,
PLAINTIFF-APPELLANT,

V

ORDER

KTA-TATOR ENGINEERING SERVICES, P.C.,
DEFENDANT-RESPONDENT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (SERRA A. AYGUN OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

PHILLIPS LYTTLE LLP, BUFFALO (WILLIAM D. CHRIST OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), dated April 19, 2011. The order granted the motion of defendant for summary judgment and dismissed the complaint.

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 20, 2012

Frances E. Cafarell
Clerk of the Court