

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

**284**

**CA 12-02010**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, SCONIERS, AND VALENTINO, JJ.

---

LINDA J. CASH, AS ADMINISTRATRIX OF THE ESTATE  
OF PENNY C. RIETHMILLER, DECEASED,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CHARLES R. HILL, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

---

HAGELIN KENT LLC, BUFFALO (BRENT C. SEYMOUR OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Cattaraugus County  
(Michael L. Nenno, A.J.), entered April 5, 2012. The order denied the  
motion of defendant Charles R. Hill for summary judgment.

It is hereby ORDERED that the order so appealed from is  
unanimously reversed on the law without costs, the motion of defendant  
Charles R. Hill is granted and the complaint is dismissed against him.

Same Memorandum as in *Hill v Cash* ([appeal No. 1] \_\_\_ AD3d \_\_\_  
[May 2, 2014]).

Entered: May 2, 2014

Frances E. Cafarell  
Clerk of the Court