

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

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CA 17-00792

PRESENT: SMITH, J.P., CENTRA, CARNI, DEJOSEPH, AND WINSLOW, JJ.

ANGELO P. ZAPPIE AND DEBORAH ZAPPIE,
PLAINTIFFS-APPELLANTS,

V

ORDER

DOLORES L. PERRY, DEFENDANT-RESPONDENT.

THE JOY E. MISERENDINO LAW FIRM P.C., ORCHARD PARK, MAGAVERN MAGAVERN
GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

SMITH, MURPHY & SCHOEPERLE, LLP, BUFFALO (STEPHEN P. BROOKS OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County
(Paul Wojtaszek, J.), dated December 28, 2016. The order denied the
motion of plaintiffs seeking leave to amend the complaint, and granted
the motion of defendant for summary judgment dismissing 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: February 2, 2018

Mark W. Bennett
Clerk of the Court