

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

1233

CA 18-00381

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND NEMOYER, JJ.

WILLIS WOOD, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

ARTIFACT PROPERTIES, LLC, AND DAVID PERKINS,
DEFENDANTS-APPELLANTS-RESPONDENTS.

(APPEAL NO. 2.)

KNYCH & WRITENOUR, LLC, SYRACUSE (MATTHEW E. WRITENOUR OF COUNSEL),
FOR DEFENDANT-APPELLANT-RESPONDENT ARTIFACT PROPERTIES, LLC.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (EDWARD J. SMITH, III,
OF COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT DAVID PERKINS.

MACKENZIE HUGHES LLP, SYRACUSE (W. BRADLEY HUNT OF COUNSEL), FOR
PLAINTIFF-RESPONDENT-APPELLANT.

Appeals and cross appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 26, 2017. The order, among other things, conditionally granted that part of plaintiff's motion seeking partial summary judgment on the issue of liability pursuant to Labor Law § 240 (1).

It is hereby ORDERED that said appeals and cross appeal are unanimously dismissed without costs (*see Foster v Kanous*, 24 AD3d 1205, 1205 [4th Dept 2005]).

Entered: February 8, 2019

Mark W. Bennett
Clerk of the Court