

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

437

CA 24-01103

PRESENT: WHALEN, P.J., CURRAN, SMITH, DELCONTE, AND HANNAH, JJ.

2001, INC., PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

SHAFFER BUILDING SERVICES, INC.,
DEFENDANT-APPELLANT,
AND TDJ PROPERTIES, LLC, DEFENDANT.
(APPEAL NO. 3.)

LONGSTREET & BERRY, LLP, FAYETTEVILLE (MICHAEL J. LONGSTREET OF
COUNSEL), FOR DEFENDANT-APPELLANT.

ZISHOLTZ & ZISHOLTZ, LLP, GARDEN CITY (STUART SHALOM ZISHOLTZ OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Oswego County
(Gregory R. Gilbert, J.), entered July 1, 2024. The judgment awarded
plaintiff money damages against defendant Shaffer Building Services,
Inc.

It is hereby ORDERED that the judgment so appealed from is
unanimously modified on the law by denying the motion of defendant TDJ
Properties, LLC, in part and reinstating the second cross-claim of
defendant Shaffer Building Services, Inc. against defendant TDJ
Properties, LLC, and as modified the judgment is affirmed without
costs and the matter is remitted to Supreme Court, Oswego County, for
further proceedings in accordance with the same memorandum as in *2001,
Inc. v Shaffer Bldg. Servs., Inc.* ([appeal No. 1] – AD3d – [July 25,
2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court