

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

932

CA 24-01984

PRESENT: LINDLEY, J.P., BANNISTER, GREENWOOD, NOWAK, AND HANNAH, JJ.

ADRIAN ROGERS, PLAINTIFF-RESPONDENT,

V

ORDER

DS RESTORATION & RESIDENTIAL SERVICES CO.,
LENARD C. DABNEY, DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

RUPP PFALZGRAF LLC, BUFFALO (JILL R. ALLEN OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

O'BRIEN & FORD, P.C., BUFFALO (CHRISTOPHER M. PANNOZZO OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Raymond W. Walter, J.), entered November 14, 2024, in a Labor Law and common-law negligence action. The order denied the motion of defendants DS Restoration & Residential Services Co. and Lenard C. Dabney seeking leave to reargue their June 6, 2024 motion for summary judgment relating to plaintiff's Labor Law § 240 (1) cause of action.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984 [4th Dept 1990]).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court