

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

118

CA 25-00696

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND DELCONTE, JJ.

KATHRYN WILSMAN, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BENDERSON DEVELOPMENT COMPANY, LLC, TRANCOM, LLC,
TRANCOM-A, LLC, TRANCOM-B, LLC,
DEFENDANTS-RESPONDENTS,
AND ACCADIA SITE CONTRACTING, INC., DEFENDANT-APPELLANT.
(APPEAL NO. 3.)

ERNSTROM & DRESTE, LLP, ROCHESTER (MICHAEL F. HIGGINS OF COUNSEL), FOR
DEFENDANT-APPELLANT.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (BRENT C. SEYMOUR OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered February 4, 2025, in a personal injury action. The order, among other things, denied the motion of defendant Accadia Site Contracting, Inc. for leave to renew its prior motion for summary judgment and granted in part the post-verdict motion of defendants Benderson Development Company, LLC, Trancom, LLC, Trancom-A, LLC, and Trancom-B, LLC.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Wilsman v Benderson Dev. Co., LLC* ([appeal No. 2] – AD3d – [Mar. 20, 2026] [4th Dept 2026]).

Entered: March 20, 2026

Ann Dillon Flynn
Clerk of the Court