

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

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CA 22-00784

PRESENT: PERADOTTO, J.P., LINDLEY, BANNISTER, MONTOUR, AND OGDEN, JJ.

CLIFFORD WALLER, PLAINTIFF-RESPONDENT,

V

ORDER

ADMAR SUPPLY CO., INC., ET AL., DEFENDANTS,
AND EPIC ENVIRONMENTAL CONTRACTING, INC.,
DEFENDANT-APPELLANT.

STARPOINT CENTRAL SCHOOL DISTRICT, THIRD-PARTY
PLAINTIFF-RESPONDENT,

V

EPIC ENVIRONMENTAL CONTRACTING, INC., THIRD-PARTY
DEFENDANT-APPELLANT.

RUSSO & GOULD, LLP, BUFFALO (FLORINA ALTSHILER OF COUNSEL), FOR
DEFENDANT-APPELLANT AND THIRD-PARTY DEFENDANT-APPELLANT.

MAXWELL MURPHY, LLC, BUFFALO (JOHN F. MAXWELL OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

PILLINGER MILLER TARALLO, LLP, SYRACUSE (MARIA T. MASTRIANO OF
COUNSEL), FOR THIRD-PARTY PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Frank
A. Sedita, III, J.), entered May 4, 2022. The order, inter alia,
granted the motion of plaintiff insofar as it sought partial summary
judgment on the Labor Law § 240 (1) claim.

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 3, 2023

Ann Dillon Flynn
Clerk of the Court