

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

1158

CA 21-00582

PRESENT: WHALEN, P.J., SMITH, NEMOYER, AND CURRAN, JJ.

JEFFREY E. ALLINGTON AND STACIE MILLER,
PLAINTIFFS,

V

ORDER

TEMPLETON FOUNDATION, CARE OF THE MARY IMOGENE
BASSETT HOSPITAL, DOING BUSINESS AS BASSETT
MEDICAL CENTER, AND PULVER ROOFING CO., INC.,
DEFENDANTS.

TEMPLETON FOUNDATION, CARE OF THE MARY IMOGENE
BASSETT HOSPITAL, DOING BUSINESS AS BASSETT
MEDICAL CENTER, THIRD-PARTY PLAINTIFF,

V

PULVER ROOFING CO., INC., THIRD-PARTY DEFENDANT.

TEMPLETON FOUNDATION, CARE OF THE MARY IMOGENE
BASSETT HOSPITAL, DOING BUSINESS AS BASSETT
MEDICAL CENTER, THIRD-PARTY PLAINTIFF-APPELLANT,

V

WELLIVER MCGUIRE, INC., DOING BUSINESS AS
WELLIVER, THIRD-PARTY DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

BARCLAY DAMON LLP, ROCHESTER (JOSEPH A. WILSON OF COUNSEL), FOR
THIRD-PARTY PLAINTIFF-APPELLANT.

VAHEY LAW OFFICES, ROCHESTER (JARED K. COOK OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Steuben County (Kevin Nasca, J.), entered September 11, 2020. The order denied the motion of third-party plaintiff for summary judgment as against third-party defendant Welliver McGuire, Inc., doing business as Welliver.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see GEICO Indem. v Roth*, 56 AD3d 1244, 1244 [4th Dept 2008]).

Entered: December 23, 2021

Ann Dillon Flynn
Clerk of the Court