

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

825

CA 20-00716

PRESENT: SMITH, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

JORGE BELTRAN, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

WATERFRONT HOUSING DEVELOPMENT FUND CORP.,
WATERFRONT PHASE I LLC, NORSTAR BUILDING
CORPORATION, S.A.B. SPECIALTIES, LLC,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.

S.A.B. SPECIALTIES, LLC, THIRD-PARTY PLAINTIFF,

V

BLAS ZUNIGA BUILDERS, LLC,
THIRD-PARTY DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (DAVID M. KATZ OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

PAUL WILLIAM BELTZ, P.C., BUFFALO (WILLIAM A. QUINLAN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

LAW OFFICES OF THOMAS W. BENDER, ORCHARD PARK (THOMAS W. BENDER OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT.

Appeals from an order of the Supreme Court, Erie County (Joseph
R. Glownia, J.), entered May 12, 2020. The order granted the motion
of plaintiff for partial summary judgment on the issue of liability
under Labor Law § 240 (1) and denied the cross motion of defendants-
appellants for summary judgment dismissing the complaint against
defendant S.A.B. Specialties, LLC.

It is hereby ORDERED that said appeal by third-party defendant is
dismissed and the order is affirmed without costs.

Same memorandum as in *Beltran v Waterfront Hous. Dev. Fund Corp.*
([appeal No. 1] – AD3d – [Jan. 28, 2022] [4th Dept 2022]).

All concur except TROUTMAN, J., who is not participating.

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court