

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

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CA 22-00730

PRESENT: SMITH, J.P., LINDLEY, MONTOUR, OGDEN, AND GREENWOOD, JJ.

LPCIMINELLI, INC., PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JPW STRUCTURAL CONTRACTING, INC.,
DEFENDANT-APPELLANT,
FREY ELECTRIC CONSTRUCTION CO., INC.,
DEFENDANT-RESPONDENT,
ET AL., DEFENDANT.
(APPEAL NO. 1.)

ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (GUY J. AGOSTINELLI OF COUNSEL), FOR PLAINTIFF-APPELLANT.

BYRNE COSTELLO & PICKARD, P.C., SYRACUSE (JORDAN R. PAVLUS OF COUNSEL), FOR DEFENDANT-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (JAMES P. DOMAGALSKI OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeals from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered March 18, 2022. The order, among other things, granted the motion of defendant Frey Electric Construction Co., Inc. for summary judgment.

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

Same memorandum as in *LPCiminelli, Inc. v JPW Structural Contr., Inc.* ([appeal No. 2] – AD3d – [June 9, 2023] [4th Dept 2023]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court