

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

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CA 08-01003

PRESENT: SCUDDER, P.J., HURLBUTT, CENTRA, GREEN, AND GORSKI, JJ.

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JEREMY M. MCPHEE, PLAINTIFF-RESPONDENT,

V

ORDER

JOHN D. BRUSH, INC., DOING BUSINESS AS SENTRY GROUP, SUED HEREIN AS SENTRY GROUP, LLC, DOING BUSINESS AS SENTRY SAFE, DEFENDANT.

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JOHN D. BRUSH, INC., DOING BUSINESS AS SENTRY GROUP, SUED HEREIN AS SENTRY GROUP, LLC, DOING BUSINESS AS SENTRY SAFE, THIRD-PARTY PLAINTIFF,

V

ELMER W. DAVIS ROOFING COMPANY, THIRD-PARTY DEFENDANT-APPELLANT.

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GOLDBERG SEGALLA LLP, ROCHESTER (MELANIE S. WOLK OF COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT.

VALERIO & KUFTA, P.C., ROCHESTER (MARK J. VALERIO OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered January 8, 2008 in a personal injury action. The order, inter alia, granted the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1).

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: February 6, 2009

JoAnn M. Wahl  
Clerk of the Court