

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

360

CA 08-01115

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, GREEN, AND PINE, JJ.

GERALD HAY AND CHRISTINE HAY, BOTH AS
INDIVIDUALS AND AS PARENTS AND NATURAL
GUARDIANS OF ROBIN HAY, AMANDA HAY,
BARBARA HAY AND JOSHUA HAY, MINORS,
PLAINTIFFS-APPELLANTS,

V

ORDER

GORDON JAY AND RAYMOND HENRY WIERZBIC, JR.,
INDIVIDUALLY AND DOING BUSINESS AS BEMUS
CONSTRUCTION, DEFENDANTS-RESPONDENTS.

RICHARD J. LIPPES & ASSOCIATES, BUFFALO (GREG MAXWELL OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

BROWN & KELLY, LLP, BUFFALO (TARA E. WATERMAN OF COUNSEL), FOR
DEFENDANT-RESPONDENT GORDON JAY.

BENDER, CRAWFORD & BENDER, LLP, BUFFALO (JOANNEKE K.M. BRENTJENS OF
COUNSEL), FOR DEFENDANT-RESPONDENT RAYMOND HENRY WIERZBIC, JR.,
INDIVIDUALLY AND DOING BUSINESS AS BEMUS CONSTRUCTION.

Appeal from an order the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered February 1, 2008 in an action for personal injury and property damage. The order granted the motions of defendants for summary judgment and dismissed the complaints.

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: March 20, 2009

JoAnn M. Wahl
Clerk of the Court