

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

381

CA 08-00304

PRESENT: HURLBUTT, J.P., MARTOCHE, FAHEY, CARNI, AND GORSKI, JJ.

JAMES MCILROY, PLAINTIFF-RESPONDENT,

V

ORDER

MUSKOKA TRANSPORT, LTD., RUSSELL D. WOODS,
DEFENDANTS-APPELLANTS,
SIMON J.F. LIM AND BEN J. LIM,
DEFENDANTS-RESPONDENTS.

WILSON, ELSEER, MOSKOWITZ, EDELMAN & DICKER LLP, WHITE PLAINS (BRIAN
DEL GATTO OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

DIMATTEO LAW OFFICE, WARSAW (DAVID M. ROACH OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

CHEVEN KEELY & HATZIS, ESQS., NEW YORK CITY (WILLIAM B. STOCK OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Wyoming County (Mark
H. Dadd, A.J.), entered December 19, 2007. The order denied the
motion of defendants Muskoka Transport, Ltd. and Russell D. Woods for
summary judgment and directed those defendants to respond to
plaintiff's outstanding demands for disclosure.

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

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court