

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

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CA 08-01636

PRESENT: HURLBUTT, J.P., MARTOCHE, CENTRA, PERADOTTO, AND GORSKI, JJ.

JOHN S. GREY AND JENNIFER L. GREY,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

FIRST BAPTIST CHURCH OF OLEAN, ALSO KNOWN AS
FIRST BAPTIST CHURCH,
DEFENDANT-APPELLANT-RESPONDENT,
CHRISTIAN C. HENZEL AND CATHERINE M. MALEY,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (MICHELLE WESTERMAN OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

FRANCIS M. LETRO, ESQ., BUFFALO (RONALD J. WRIGHT OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS-APPELLANTS.

LAW OFFICES OF J. MICHAEL SHANE, ALLEGANY (J. MICHAEL SHANE OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal and cross appeal from an amended order of the Supreme Court, Cattaraugus County (Larry M. Himelein, A.J.), entered November 13, 2007 in a personal injury action. The amended order granted the motion of defendants Christian C. Henzel and Catherine M. Maley for summary judgment, granted in part and denied in part the motion of plaintiffs for partial summary judgment, and granted in part and denied in part the motion of defendant First Baptist Church of Olean, also known as First Baptist Church, for summary judgment.

It is hereby ORDERED that the amended 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