

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

477

CA 08-01626

PRESENT: HURLBUTT, J.P., MARTOCHE, CARNI, GREEN, AND PINE, JJ.

BARBARA BENNETT, JANICE MARTINEZ, AND PHYLLIS
DELIA, PLAINTIFFS-RESPONDENTS,

V

ORDER

ELIS J. DELIA, DEFENDANT-APPELLANT.

GETNICK LIVINGSTON ATKINSON GIGLIOTTI & PRIORE, LLP, UTICA (MICHAEL E.
GETNICK OF COUNSEL), FOR DEFENDANT-APPELLANT.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (JONATHAN B. FELLOWS OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Oneida County (John W.
Grow, J.), entered April 28, 2008. The order granted plaintiffs'
motion for summary judgment on the first cause of action.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court (*Bennett v DeLia*, 19 Misc 3d 1123[A], 2008 NY Slip Op
50827[U]).

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court