

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

1452

CA 09-00798

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

GARY M. DISCHIAVI AND LINDA DISCHIAVI,
PLAINTIFFS-APPELLANTS,

V

ORDER

WILLIAM S. CALLI, ROBERT CALLI, HERBERT CULLY,
CALLI, CALLI AND CULLY, CALLI, CALLI AND CULLY,
L.L.P., CALLI AND CALLI, L.P., ANDREW S.
KOWALCZYK, JOSEPH STEPHEN DEERY, JR., THOMAS S.
SOJA, AND CALLI, KOWALCZYK, TOLLES, DEERY AND
SOJA, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

LUIBRAND LAW FIRM, PLLC, LATHAM (KEVIN A. LUIBRAND OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

KERNAN AND KERNAN, P.C., UTICA (LEIGHTON R. BURNS OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS WILLIAM S. CALLI, CALLI, CALLI AND CULLY,
L.L.P., AND CALLI AND CALLI, L.P.

HISCOCK & BARCLAY, LLP, SYRACUSE (KEVIN M. HAYDEN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS ROBERT CALLI, HERBERT CULLY, AND CALLI, CALLI
AND CULLY.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (MICHELLE M. WESTERMAN
OF COUNSEL), FOR DEFENDANTS-RESPONDENTS ANDREW S. KOWALCZYK, JOSEPH
STEPHEN DEERY, JR., AND CALLI, KOWALCZYK, TOLLES, DEERY AND SOJA.

GETNICK LIVINGSTON ATKINSON GIGLIOTTI & PRIORE, LLP, UTICA (PATRICK G.
RADEL OF COUNSEL), FOR DEFENDANT-RESPONDENT THOMAS S. SOJA.

Appeal from an order of the Supreme Court, Oneida County (Michael
E. Daley, J.), entered November 21, 2008. The order granted the
motions and cross motion of defendants for, inter alia, summary
judgment.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;
Chase Manhattan Bank, N.A. v Roberts & Roberts, 63 AD2d 566, 567; *see*
also CPLR 5501 [a] [1]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court