

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

1454

CA 09-00802

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

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

V

MEMORANDUM AND ORDER

WILLIAM S. CALLI, ET AL., DEFENDANTS,
AND THOMAS S. SOJA, DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

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

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

Appeal from a judgment of the Supreme Court, Oneida County
(Michael E. Daley, J.), entered November 25, 2008. The judgment
dismissed the complaint against defendant Thomas S. Soja.

It is hereby ORDERED that the judgment so appealed from is
unanimously reversed on the law without costs, the motion is denied in
part and the complaint against defendant Thomas S. Soja is reinstated.

Same Memorandum as in *Dischiavi v Calli* ([appeal No. 2] ___ AD3d
___ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court