

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

1554

CA 08-02498

PRESENT: HURLBUTT, J.P., SMITH, CENTRA, GREEN, AND PINE, JJ.

ROBERT C. TESTERMAN, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

RACHEL L. ZIELINSKI, ET AL., DEFENDANTS,
AND PISA ELECTRICAL CONSTRUCTION &
MANUFACTURING, INC., DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

HERSCHEL GELBER, LLC, AMHERST (HERSCHEL GELBER OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (THOMAS P. KAWALEC OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County
(John T. Ward, A.J.), entered October 31, 2008 in a personal injury
action. The order, among other things, granted the motion of
defendant Pisa Electrical Construction & Manufacturing, Inc. for
summary judgment dismissing the amended complaint against it.

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

Same Memorandum as in *Testerman v Zielinski* ([appeal No. 1] ____
AD3d ____ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court