

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

1555

CA 08-02500

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

DANIEL D. BIGELOW, AS EXECUTOR OF THE ESTATE
OF TENNY C. BIGELOW, DECEASED, AND DANIEL D.
BIGELOW, AS ADMINISTRATOR C.T.A. OF THE ESTATE
OF DOUGLAS L. BIGELOW, DECEASED,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

RACHEL L. ZIELINSKI AND PISA ELECTRICAL
CONSTRUCTION & MANUFACTURING, INC.,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

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

COHEN & LOMBARDO, P.C., BUFFALO (JONATHAN D. COX OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County
(John T. Ward, A.J.), entered September 19, 2008 in a wrongful death
action. The order granted plaintiff's motion for partial summary
judgment on liability.

It is hereby ORDERED that the order so appealed from is
unanimously reversed on the law without costs and the motion is
denied.

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