

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

1635

CA 09-01133

PRESENT: HURLBUTT, J.P., FAHEY, PERADOTTO, GREEN, AND GORSKI, JJ.

STEVEN SEARLEY, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF MICHAEL
SEARLEY, AN INFANT, DECEASED, AND SUEANNE
SEARLEY, PLAINTIFFS-APPELLANTS-RESPONDENTS,

V

ORDER

WEGMANS FOOD MARKETS, INC.,
DEFENDANT-RESPONDENT-APPELLANT.

BRENNA, BRENNA & BOYCE, PLLC, ROCHESTER (ROBERT L. BRENNA, JR., OF
COUNSEL), FOR PLAINTIFFS-APPELLANTS-RESPONDENTS.

WARD NORRIS HELLER & REIDY LLP, ROCHESTER (TONY R. SEARS OF COUNSEL),
FOR DEFENDANT-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court,
Monroe County (Matthew A. Rosenbaum, J.), entered August 6, 2008. The
order, inter alia, granted in part the motion of defendant for summary
judgment.

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

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court