

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

19

CA 09-00671

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

KENNETH BURNS AND JULIA BURNS,
PLAINTIFFS-APPELLANTS,

V

ORDER

CITY OF BATAVIA, CITY OF BATAVIA DEPARTMENT
OF PUBLIC WORKS, AND ERDMAN, ANTHONY AND
ASSOCIATES, INC., DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

BROWN & TARANTINO, LLC, BUFFALO (ANN M. CAMPBELL OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS CITY OF BATAVIA AND CITY OF BATAVIA DEPARTMENT
OF PUBLIC WORKS.

HARTER SECREST & EMERY LLP, ROCHESTER (CANDACE M. CURRAN OF COUNSEL),
FOR DEFENDANT-RESPONDENT ERDMAN, ANTHONY AND ASSOCIATES, INC.

Appeal from a judgment of the Supreme Court, Genesee County
(Robert C. Noonan, A.J.), entered November 10, 2008 in a personal
injury action. The judgment, upon the motion of defendant Erdman,
Anthony and Associates, Inc. for summary judgment, dismissed the
complaint against it.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs for the reasons stated in the
decision at Supreme Court.

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court