

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

738.1

CA 10-00108

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

BERNARD GARRASI, II, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ANNE MARIE DEAN, AS EXECUTRIX OF THE ESTATE
OF SANDY ROTUNDA, DECEASED, AND ROTUNDA
PROPERTIES, LLC, DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

SHANE AND REISNER, LLP, ALLEGANY (JEFFREY P. REISNER OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

WALSH, ROBERTS & GRACE, BUFFALO (MARK P. DELLA POSTA OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered January 11, 2010. The order granted the motion of plaintiff for, inter alia, leave to amend the complaint.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by denying the motion in part and vacating the third and fourth ordering paragraphs and as modified the order is affirmed without costs.

Same Memorandum as in *Garrasi v Dean* ([appeal No. 1] ___ AD3d ___ [July 9, 2010]).

Entered: July 9, 2010

Patricia L. Morgan
Clerk of the Court