

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

972

CA 08-02012

PRESENT: SMITH, J.P., FAHEY, SCONIERS, PINE, AND GORSKI, JJ.

JANE L. MARGOLIS AND JEROME E. MARGOLIS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

VOLKSWAGEN OF AMERICA, INC., ET AL., DEFENDANTS,
RAYMOND CASE AND RAY CASE FLOORS, INC.,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

BURKE, ALBRIGHT, HARTER & REDDY, LLP, ROCHESTER (MICHAEL A. REDDY OF
COUNSEL), FOR DEFENDANT-APPELLANT RAYMOND CASE.

CULLEY, MARKS, TANENBAUM & PEZZULO, LLP, ROCHESTER (FRANK G. MONTEMALO
OF COUNSEL), FOR DEFENDANT-APPELLANT RAY CASE FLOORS, INC.

VALERIO & KUFTA, P.C., ROCHESTER (MARK J. VALERIO OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeals from an order of the Supreme Court, Monroe County (Harold L. Galloway, J.), entered December 4, 2007 in a personal injury action. The order, insofar as appealed from, denied the cross motions of defendants Raymond Case and Ray Case Floors, Inc. for summary judgment.

It is hereby ORDERED that said appeals are unanimously dismissed without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985).

Entered: October 1, 2010

Patricia L. Morgan
Clerk of the Court