

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

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CA 10-01334

PRESENT: SCUDDER, P.J., CENTRA, CARNI, SCONIERS, AND GORSKI, JJ.

JAMES E. MCMANUS, PLAINTIFF,

V

ORDER

COUNTY OF ONONDAGA, ET AL., DEFENDANTS.

COUNTY OF ONONDAGA AND ONONDAGA COUNTY
HOUSING DEVELOPMENT FUND COMPANY, INC.,
THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

JAMES M. KRAUS, DOING BUSINESS AS JAMES M.
KRAUS CONSTRUCTION, THIRD-PARTY
DEFENDANT-RESPONDENT,
AND H.G. SPICER & SON, INC., THIRD-PARTY
DEFENDANT-APPELLANT.

H.G. SPICER & SON, INC., FOURTH-PARTY
PLAINTIFF-RESPONDENT,

V

TREVOR MORRIS, DOING BUSINESS AS CREATIVE
HARDSCAPES, FOURTH-PARTY DEFENDANT-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (JENNIFER L. NUHFER OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT AND FOURTH-PARTY
PLAINTIFF-RESPONDENT.

RICHARD P. PLOCHOCKI, SYRACUSE, FOR FOURTH-PARTY DEFENDANT-APPELLANT.

GORDON J. CUFFY, COUNTY ATTORNEY, SYRACUSE (MARY J. FAHEY OF COUNSEL),
FOR THIRD-PARTY PLAINTIFFS-RESPONDENTS.

SUGARMAN LAW FIRM, LLP, SYRACUSE (STEPHEN A. DAVOLI OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT.

Appeals from an order of the Supreme Court, Onondaga County
(Deborah H. Karalunas, J.), entered February 10, 2010 in a personal
injury action. The order, insofar as appealed from, denied the cross
motions of third-party defendant H.G. Spicer & Son, Inc. and
fourth-party defendant Trevor Morris, doing business as Creative
Hardscapes, for summary judgment.

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

Entered: February 10, 2011

Patricia L. Morgan
Clerk of the Court