

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

1528

CA 10-00907

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

JAMES C. KUHN, PLAINTIFF-RESPONDENT,

V

ORDER

CAMELOT ASSOCIATION, INC., DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

AUGELLO & MATTELIANO, LLP, BUFFALO (JOSEPH A. MATTELIANO OF COUNSEL),
FOR DEFENDANT-APPELLANT.

BURGETT & ROBBINS LLP, JAMESTOWN (MARY SPEEDY HAJDU OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered February 4, 2010 in a personal injury action. The order granted the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1) and denied the cross motion of defendant for summary judgment.

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

Entered: March 25, 2011

Patricia L. Morgan
Clerk of the Court