

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

278.2

CA 10-00872

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

EMMA HARTSOCK, INDIVIDUALLY AND AS TEMPORARY
GUARDIAN OF THE PERSON AND PROPERTY OF ROY A.
HARTSOCK, PLAINTIFF,

V

MEMORANDUM AND ORDER

ROBERT T. SCACCIA, DEFENDANT-APPELLANT,
NASH-CAR SALES & SERVICE, E. DAVID NASHWINTER,
DEFENDANTS-RESPONDENTS,
JULIE'S SEABREEZE RESTAURANT, ET AL., DEFENDANTS.
(APPEAL NO. 2.)

LAW OFFICES OF TAYLOR & SANTACROSE, BUFFALO (DESTIN C. SANTACROSE OF
COUNSEL), FOR DEFENDANT-APPELLANT.

DIXON & HAMILTON, LLP, GETZVILLE (MICHAEL B. DIXON OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 8, 2010. The order granted the motion of defendants Nash-Car Sales & Service and E. David Nashwinter for summary judgment dismissing defendant Robert T. Scaccia's cross claim against them.

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

Same Memorandum as in *Hartsock v Scaccia* ([appeal No. 1] ___ AD3d ___ [May 6, 2011]).

Entered: May 6, 2011

Patricia L. Morgan
Clerk of the Court