

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

1362

CA 12-00458

PRESENT: CENTRA, J.P., FAHEY, SCONIERS, VALENTINO, AND MARTOCHE, JJ.

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JANNETTE MORALES, PLAINTIFF,

V

MEMORANDUM AND ORDER

ASARESE MATTERS COMMUNITY CENTER, ET AL.,  
DEFENDANTS,  
CITY OF BUFFALO, DEFENDANT-RESPONDENT,  
AND COUNTY OF ERIE, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (BEVERLEY S. BRAUN OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

HODGSON RUSS LLP, BUFFALO (HUGH M. RUSS, III, OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 11, 2011. The order, insofar as appealed from, denied that part of the motion of defendant County of Erie for summary judgment on its contractual indemnification cross claim against defendant City of Buffalo.

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

Same Memorandum as in *Morales v Asarese Matters Community Ctr.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Feb. 8, 2013]).

Entered: February 8, 2013

Frances E. Cafarell  
Clerk of the Court