

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

**1279**

**CA 19-00710**

PRESENT: SMITH, J.P., NEMOYER, TROUTMAN, AND BANNISTER, JJ.

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GEORGE A. WENTWORTH AND JAYNE M. WENTWORTH,  
PLAINTIFFS-APPELLANTS,

V

ORDER

JANICE M. ATWELL, DEFENDANT-RESPONDENT.

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JANICE M. ATWELL, THIRD-PARTY  
PLAINTIFF-RESPONDENT,

V

ROBERT FEURY AND SANDRA L. FEURY, THIRD-PARTY  
DEFENDANTS-RESPONDENTS.

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LONGSTREET & BERRY, LLP, FAYETTEVILLE (MICHAEL J. LONGSTREET OF  
COUNSEL), FOR PLAINTIFFS-APPELLANTS.

FELT EVANS, LLP, CLINTON (ANTHONY G. HALLAK OF COUNSEL), FOR  
DEFENDANT-RESPONDENT AND THIRD-PARTY PLAINTIFF-RESPONDENT.

LAW OFFICES OF GEORGE F. ANEY, HERKIMER (FRANK L. MADIA OF COUNSEL),  
FOR THIRD-PARTY DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Herkimer County  
(Charles C. Merrell, J.), dated October 5, 2018. The order granted  
defendant's motion for summary judgment dismissing the complaint and  
for leave to amend the answer to add a counterclaim.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: December 20, 2019

Mark W. Bennett  
Clerk of the Court