

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

**942**

**CA 15-00351**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

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PHILLIP WOLFE, PLAINTIFF-RESPONDENT

V

MEMORANDUM AND ORDER

WAYNE-DALTON CORP., ET AL., DEFENDANTS,  
JOANNE LESKA AND ROBERT TARSON, JR.,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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KNYCH & WHRITENOUR, LLC, SYRACUSE (MATTHEW E. WHRITENOUR OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

STANLEY LAW OFFICES, LLP, SYRACUSE (JON COOPER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Anthony J. Paris, J.), entered September 23, 2014. The order denied  
the motion of defendants Joanne Leska and Robert Tarson, Jr., for  
leave to renew their cross motion for summary judgment.

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

Same memorandum as in *Wolfe v Wayne-Dalton Corp.* ([appeal No. 1]  
\_\_\_ AD3d \_\_\_ [Nov. 20, 2015]).

Entered: November 20, 2015

Frances E. Cafarell  
Clerk of the Court