

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

1119

CA 18-02125

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ.

BRADLEY WINDNAGLE, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

PATRICIA TARNACKI AND ESTATE OF LAWRENCE
TARNACKI, DECEASED, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

JOSEPH E. DIETRICH, III, WILLIAMSVILLE, MAGAVERN MAGAVERN GRIMM LLP,
BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR PLAINTIFF-APPELLANT.

LAW OFFICE OF JOHN TROP, BUFFALO, CHELUS, HERDZIK, SPEYER & MONTE,
P.C. (MICHAEL J. CHMIEL OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 10, 2018. The order denied the motion of plaintiff for leave to renew and reargue his opposition to defendants' motion to dismiss the complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Windnagle v Tarnacki* ([appeal No. 1] – AD3d – [June 12, 2020] [4th Dept 2020]).

Entered: June 12, 2020

Mark W. Bennett
Clerk of the Court