

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

679

CA 22-01311

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, NOWAK, AND DELCONTE, JJ.

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THOMAS R. WHELAN AND JENNIFER S. WHELAN,  
PLAINTIFFS-APPELLANTS,

V

ORDER

BUFFALO MUNICIPAL HOUSING AUTHORITY,  
DEFENDANT-RESPONDENT.

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THE CAVALL LAW FIRM PLLC, WILLIAMSVILLE (DIANA B. CAVALL OF COUNSEL),  
FOR PLAINTIFFS-APPELLANTS.

COLUCCI & GALLAHER, P.C., BUFFALO (JOHN J. MARCHESE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered March 10, 2022. The order denied plaintiffs' motion for partial summary judgment on the issue of liability.

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

Entered: September 29, 2023

Ann Dillon Flynn  
Clerk of the Court