

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

917

CA 22-01728

PRESENT: WHALEN, P.J., CURRAN, OGDEN, GREENWOOD, AND NOWAK, JJ.

PAUL TRIEST, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NIXON EQUIPMENT SERVICES, INC.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

SEGAR & SCIORTINO PLLC, ROCHESTER (STEPHEN A. SEGAR OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (ROBERT E. SCOTT OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Ontario County
(Frederick G. Reed, A.J.), entered September 27, 2022. The order
denied the motion of plaintiff for partial summary judgment.

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

Same memorandum as in *Triest v Nixon Equip. Servs., Inc.* ([appeal
No. 2] – AD3d – [Feb. 9, 2024] [4th Dept 2024]).

Entered: February 9, 2024

Ann Dillon Flynn
Clerk of the Court