

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

1027

CA 18-00569

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND WINSLOW, JJ.

AMBER M. TALARICO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JASON L. BUCK, ET AL., DEFENDANTS,
MATTHEW J. SILE AND JAMES W. SILE,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

STEVE BOYD, P.C., WILLIAMSVILLE (STEPHEN BOYD OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

MURA & STORM, PLLC, BUFFALO (ROY A. MURA OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered December 7, 2017. The order, insofar as appealed from, granted that part of the motion of defendants Matthew J. Sile and James W. Sile seeking summary judgment dismissing the complaint of plaintiff Amber M. Talarico against them.

It is hereby ORDERED that the order insofar as appealed from is reversed on the law without costs, that part of the motion of defendants Matthew J. Sile and James W. Sile for summary judgment dismissing the complaint against them is denied, and the complaint against them is reinstated.

Same memorandum as in *Gilkerson v Buck* (- AD3d - [Dec. 21, 2018] [4th Dept 2018]).

All concur except PERADOTTO, J.P., and CARNI, J., who dissent and vote to affirm in the same dissenting memorandum as in *Gilkerson v Buck* (- AD3d - [Dec. 21, 2018] [4th Dept 2018]).

Entered: December 21, 2018

Mark W. Bennett
Clerk of the Court