

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

1347

CA 18-01075

PRESENT: WHALEN, P.J., SMITH, CARNI, AND TROUTMAN, JJ.

HART LYMAN CONSTRUCTION LLC, PLAINTIFF-APPELLANT,

V

ORDER

SCOTT BERGIN, INDIVIDUALLY, EPMM COLORADO LLC, AND
SCOTT BERGIN LLC, COLLECTIVELY DOING BUSINESS AS
EDIPURE, DEFENDANTS-RESPONDENTS.

BARCLAY DAMON LLP, SYRACUSE (DAVID G. BURCH, JR., OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

HANCOCK ESTABROOK, LLP, SYRACUSE (JANET D. CALLAHAN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Onondaga County
(Deborah H. Karalunas, J.), entered December 18, 2017. The order
granted the motion of defendants to dismiss the complaint.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: December 21, 2018

Mark W. Bennett
Clerk of the Court