

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

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CA 20-00759

PRESENT: SMITH, J.P., CARNI, LINDLEY, TROUTMAN, AND BANNISTER, JJ.

RICHARD VIRKLER, PLAINTIFF-APPELLANT,
ET AL., PLAINTIFF,

V

MEMORANDUM AND ORDER

V.S. VIRKLER & SON, INC., JOSEPH VIRKLER AND
ALEX VIRKLER, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

HANCOCK ESTABROOK, LLP, SYRACUSE (ALAN J. PIERCE OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

ASSAF & SIEGAL PLLC, ALBANY (MICHAEL D. ASSAF OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Lewis County (James P. McClusky, J.), entered January 24, 2020. The order, among other things, denied the motion of plaintiff Richard Virkler for partial summary judgment.

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

Same memorandum as in *Virkler v V.S. Virkler & Son, Inc.* ([appeal No. 1] - AD3d - [July 16, 2021] [4th Dept 2021]).

Entered: July 16, 2021

Mark W. Bennett
Clerk of the Court