

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

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CA 22-01109

PRESENT: PERADOTTO, J.P., BANNISTER, MONTOUR, AND GREENWOOD, JJ.

BERTHA HOLDEN, PLAINTIFF-RESPONDENT,

V

ORDER

SANAA MINI MART, INC., ROYAL BROADWAY FOOD, INC.,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.

MURA LAW GROUP, PLLC, BUFFALO (BRENDAN S. BYRNE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC, BUFFALO (THOMAS P. KOTRYS
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 13, 2022. The order, among other things, denied the motion of defendants Sanaa Mini Mart, Inc., and Royal Broadway Food, Inc., for summary judgment "on [the] ground[] that a question of fact exists as to the issue of constructive notice."

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

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court