

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

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CA 23-00540

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, DELCONTE, AND HANNAH, JJ.

ANTHONY P. GALLO, III, PLAINTIFF-RESPONDENT,

V

ORDER

GERALD D. OTTEN, ELBERT VELDJESGRAAF, ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., STATE LINE PILOT CAR & PERMIT SERVICE, LLC, DEFENDANTS-RESPONDENTS, 2528388 ONTARIO LTD, RALPH J. BETTS AND AMY F. BETTS, DEFENDANTS-APPELLANTS.

HURWITZ FINE, P.C., BUFFALO (V. CHRISTOPHER POTENZA OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

SMITH, MURPHY & SCHOEPFERLE, LLP, BUFFALO (DENNIS P. MESCALL OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (JUSTIN L. HENDRICKS OF COUNSEL), FOR DEFENDANTS-RESPONDENTS GERALD D. OTTEN, ELBERT VELDJESGRAAF, AND ADMIRAL-MERCHANTS MOTOR FREIGHT, INC.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered March 29, 2023. The order denied the cross-motion of defendants 2528388 Ontario LTD, Ralph J. Betts and Amy F. Betts for summary judgment dismissing the complaint and all cross-claims against them.

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: May 3, 2024

Ann Dillon Flynn
Clerk of the Court