

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

635

**CA 12-01578**

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, SCONIERS, AND WHALEN, JJ.

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GRANT MEABON, PLAINTIFF,

V

MEMORANDUM AND ORDER

TOWN OF POLAND, DEFENDANT.

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TOWN OF POLAND, THIRD-PARTY  
PLAINTIFF-RESPONDENT,

V

SHERWOOD A. CHAPMAN, DOING BUSINESS  
AS CADILLAC CARPENTRY, THIRD-PARTY  
DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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KENNEY SHELTON LIPTAK & NOWAK, LLP, BUFFALO (MELISSA A. FOTI OF  
COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT.

BENDER & BENDER, LLP, BUFFALO (THOMAS W. BENDER OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(James H. Dillon, J.), entered June 21, 2012. The order denied the  
motion of third-party defendant for leave to renew and to stay the  
trial.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same Memorandum as in *Meabon v Town of Poland* ([appeal No. 1] \_\_\_\_  
AD3d \_\_\_\_ [July 19, 2013]).

Entered: July 19, 2013

Frances E. Cafarell  
Clerk of the Court