

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

**912**

**CA 14-00986**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ.

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EDWARD MELIA, PLAINTIFF-RESPONDENT,

V

ORDER

ZENHIRE, INC., ROBERT H. FRITZINGER AND  
DEBORAH FRITZINGER, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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BLAIR & ROACH LLP, TONAWANDA (DAVID L. ROACH OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

SANDERS & SANDERS, CHEEKTOWAGA (HARVEY PHILIP SANDERS OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 12, 2013. The amended order, insofar as appealed from, denied in part the motion of defendants for summary judgment dismissing the complaint and granted the cross motion of plaintiff for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; see also CPLR 5501 [a] [1]).

Entered: October 2, 2015

Frances E. Cafarell  
Clerk of the Court