

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

**36**

**CA 15-01166**

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

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PETER GUIDO, PLAINTIFF-RESPONDENT,

V

ORDER

BENCHMARK ENVIRONMENTAL ENGINEERING AND  
SCIENCE, PLLC, ET AL., DEFENDANTS,  
AND TECUMSEH REDEVELOPMENT INC.,  
DEFENDANT-APPELLANT.

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ECKERT SEAMANS CHERIN & MELLOTT, PITTSBURGH, PENNSYLVANIA (ROBERT J.  
HANNEN, OF THE PENNSYLVANIA, OHIO AND WEST VIRGINIA BARS, ADMITTED PRO  
HAC VICE, OF COUNSEL), AND PHILLIPS LYTTLE, BUFFALO, FOR  
DEFENDANT-APPELLANT.

FINE, OLIN & ANDERMAN, LLP, NEWBURGH (MARSHALL P. RICHER OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered March 19, 2015. The order, insofar as appealed from, denied that part of the motion of, among others, defendant Tecumseh Redevelopment Inc., seeking summary judgment dismissing the complaint against that defendant.

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: February 5, 2016

Frances E. Cafarell  
Clerk of the Court