

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

1285/16

CA 16-00243

PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ.

JEFFREY BURNS, PLAINTIFF-RESPONDENT,

V

ORDER

LECESSE CONSTRUCTION SERVICES, LLC, THE MILLS AT HIGH FALLS HOUSING DEVELOPMENT FUND COMPANY, INC., URBAN LEAGUE OF ROCHESTER, NY, INC., DEFENDANTS-APPELLANTS, ET AL., DEFENDANTS.

LECESSE CONSTRUCTION SERVICES, LLC, THE MILLS AT HIGH FALLS HOUSING DEVELOPMENT FUND COMPANY, INC., AND URBAN LEAGUE OF ROCHESTER, NY, INC., THIRD-PARTY PLAINTIFFS-APPELLANTS,

V

JEFFREY W. BURNS, DOING BUSINESS AS BURNS FLOORING, THIRD-PARTY DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

BURDEN, GULISANO & HANSEN, LLC, BUFFALO (PHYLLIS A. HAFNER OF COUNSEL), FOR DEFENDANTS-APPELLANTS AND THIRD-PARTY PLAINTIFFS-APPELLANTS.

CELLINO & BARNES, P.C., ROCHESTER (K. JOHN WRIGHT OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

TREVETT CRISTO SALZER & ANDOLINA, P.C., ROCHESTER (MELANIE S. WOLK OF COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT.

LIPPMAN O'CONNOR, BUFFALO (ROBERT H. FLYNN OF COUNSEL), FOR DEFENDANT U.S. CEILING CORP.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM, ROCHESTER (MATTHEW A. LENHARD OF COUNSEL), FOR DEFENDANT DUKES PROPERTY DEVELOPMENT, LLC.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered December 18, 2015. The order, among other things, denied the motion of defendants/third-party plaintiffs Lecesse Construction Services, LLC, The Mills at High Falls Housing Development Fund Company, Inc., and Urban League of Rochester, NY, Inc., for indemnification against third-party defendant Jeffrey W.

Burns, doing business as Burns Flooring.

Now, upon reading and filing the stipulation withdrawing appeals signed by the attorneys for the parties on December 28, 2016,

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

Entered: February 3, 2017

Frances E. Cafarell
Clerk of the Court