

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

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CA 16-00779

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

JERAD M. ZARNOCH, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ROBERT W. LUCKINA, INDIVIDUALLY AND DOING
BUSINESS AS ROB LUCKINA CONSTRUCTION,
DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

EDWARD C. COSGROVE, BUFFALO, FOR PLAINTIFF-APPELLANT.

ROSSI & ROSSI, ATTORNEYS AT LAW PLLC, NEW YORK MILLS (VINCENT J.
ROSSI, JR., OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered July 23, 2015. The order, among other things, denied the cross motion of plaintiff to dismiss the affirmative defense of special employment.

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

Same memorandum as in *Zarnoch v Luckina* ([appeal No. 2] ___ AD3d ___ [Mar. 24, 2017]).

Entered: March 24, 2017

Frances E. Cafarell
Clerk of the Court