

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

1099

CA 15-02156

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

PATRICIA A. RICKICKI, INDIVIDUALLY, AND AS
EXECUTRIX OF THE ESTATE OF DAVID P. RICKICKI,
DECEASED, PLAINTIFF-APPELLANT,

V

ORDER

BORDEN CHEMICAL, DIVISION OF BORDEN, INC.,
ET AL., DEFENDANTS,
UNIMIN CORPORATION AND U.S. SILICA
COMPANY, DEFENDANTS-RESPONDENTS.
(ACTION NO. 1.)

MICHAEL C. CROWLEY AND SHARON M. CROWLEY,
PLAINTIFFS-APPELLANTS,

V

C-E MINERALS, INC., ET AL., DEFENDANTS,
UNIMIN CORPORATION, UNIMIN SPECIALTY
MINERALS, INC., MEYERS CHEMICALS, U.S. SILICA
COMPANY, MALVERN MINERALS COMPANY, FERRO
CORPORATION, NYCO MINERALS COMPANY AND CHARLES B.
CHRYSTAL CO., INC., DEFENDANTS-RESPONDENTS.
(ACTION NO. 2.)
(APPEAL NO. 2.)

PAUL WILLIAM BELTZ, P.C., BUFFALO (WILLIAM A. QUINLAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

NATHAN A. SCHACHTMAN, ESQ., P.C., NEW YORK CITY (NATHAN A. SCHACHTMAN
OF COUNSEL), BOND SCHOENECK & KING, PLLC, BUFFALO, AND SMITH, MURPHY &
SCHOEPFERLE, LLP, FOR DEFENDANTS-RESPONDENTS UNIMIN CORPORATION,
UNIMIN SPECIALTY MINERALS, INC., MEYERS CHEMICALS, AND U.S. SILICA
COMPANY.

ANSPACH MEEKS ELLENBERGER LLP, BUFFALO (DAVID M. STILLWELL OF
COUNSEL), FOR DEFENDANT-RESPONDENT MALVERN MINERALS COMPANY.

BARCLAY DAMON LLP, BUFFALO (VINCENT G. SACCOMANDO OF COUNSEL), FOR
DEFENDANT-RESPONDENT FERRO CORPORATION.

GOLDBERG SEGALLA LLP, ROCHESTER (RAUL E. MARTINEZ OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS NYCO MINERALS COMPANY AND CHARLES B.
CHRYSTAL CO., INC.

Appeal from a corrected order of the Supreme Court, Cattaraugus County (Patrick H. NeMoyer, J.), entered October 14, 2015. The corrected order granted the motions and cross motions of defendants-respondents for summary judgment dismissing the complaints against them.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Kolasz v Levitt*, 63 AD2d 777, 779 [3d Dept 1978]).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court