

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

**631**

**CA 17-01006**

PRESENT: WHALEN, P.J., SMITH, CARNI, LINDLEY, AND WINSLOW, JJ.

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W. JAMES CAMPERLINO, PLAINTIFF-RESPONDENT,

V

ORDER

DAN E. BARGABOS AND KENWOOD HOMES, INC., DOING  
BUSINESS AS HERITAGE HOMES, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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PAPPAS, COX, KIMPEL, DODD & LEVINE, P.C., SYRACUSE, D.J. & J.A.  
CIRANDO, ESQS. (JOHN A. CIRANDO OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

LONGSTREET & BERRY, LLP, FAYETTEVILLE (MICHAEL LONGSTREET OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered August 9, 2016. The order granted  
plaintiff's motion seeking summary judgment on the issue of liability  
and to dismiss defendants' affirmative defenses and counterclaims.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988,  
988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*,  
63 AD2d 566, 567 [1st Dept 1978]; see also CPLR 5501 [a] [1]).

Entered: June 15, 2018

Mark W. Bennett  
Clerk of the Court