

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

519

CA 17-01685

PRESENT: CENTRA, J.P., DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

GARY STIEGMAN, PLAINTIFF-APPELLANT-RESPONDENT,

V

MEMORANDUM AND ORDER

THE BARDEN & ROBESON CORPORATION, INDIVIDUALLY
AND DOING BUSINESS AS BARDEN HOMES, B&H CARPENTRY,
DEFENDANTS-RESPONDENTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 1.)

BROWN CHIARI LLP, BUFFALO (BRIAN R. HOGAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT-RESPONDENT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (THOMAS P. CUNNINGHAM OF
COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT THE BARDEN & ROBESON
CORPORATION, INDIVIDUALLY AND DOING BUSINESS AS BARDEN HOMES.

OSBORN, REED & BURKE, LLP, ROCHESTER (JEFFREY P. DIPALMA OF COUNSEL),
FOR DEFENDANT-RESPONDENT-APPELLANT B&H CARPENTRY.

Appeal and cross appeals from an order of the Supreme Court,
Niagara County (Frank Caruso, J.), entered December 13, 2016. The
order, among other things, denied plaintiff's motion for partial
summary judgment and denied in part the cross motions of defendants
The Barden & Robeson Corporation, individually and doing business as
Barden Homes and B&H Carpentry seeking summary judgment.

It is hereby ORDERED that said appeal and cross appeals are
unanimously dismissed without costs.

Same memorandum as in *Stiegman v The Barden & Robeson Corp.*
([appeal No. 2] – AD3d – [June 29, 2018] [4th Dept 2018]).

Entered: June 29, 2018

Mark W. Bennett
Clerk of the Court