

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

1024

CA 18-00331

PRESENT: CARNI, J.P., LINDLEY, CURRAN, AND WINSLOW, JJ.

ELLANA EBERHARDT, PLAINTIFF-RESPONDENT,

V

ORDER

JOHN NAPPA, ET AL., DEFENDANTS,
AND ANTHONY NAPPA, DEFENDANT-APPELLANT.

BURGIO, CURVIN & BANKER, BUFFALO (STEVEN P. CURVIN OF COUNSEL), FOR
DEFENDANT-APPELLANT.

DIETRICH LAW FIRM P.C., AMHERST, MAGAVERN MAGAVERN GRIMM LLP, BUFFALO
(EDWARD J. MARKARIAN OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered January 8, 2018. The order denied the motion of defendant Anthony Nappa to dismiss the complaint against him and granted the cross motion of plaintiff to extend the time for service of the summons and complaint on said defendant.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated at Supreme Court.

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court