

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

1160

CA 17-02201

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

SAMUEL J. PASCERI AND VIRGINIA PASCERI,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

TIMOTHY KELEHER, NANCEY KELEHER, DEFENDANTS,
AND BIELMEIER BUILDERS, INC., DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

MUSCATO, DIMILLO & VONA, LLP, LOCKPORT (P. ANDREW VONA OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

WALSH, ROBERTS & GRACE LLP, BUFFALO (MARK P. DELLA POSTA OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered September 20, 2017. The judgment dismissed the complaint against defendant Bielmeier Builders, Inc., upon a jury verdict.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Same memorandum as in *Pasceri v Keleher* ([appeal No. 2] – AD3d – [Feb. 1, 2019] [4th Dept 2019]).

Entered: February 1, 2019

Mark W. Bennett
Clerk of the Court