

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

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**CA 19-00854**

PRESENT: WHALEN, P.J., CENTRA, CURRAN, WINSLOW, AND BANNISTER, JJ.

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CHRISTA CONSTRUCTION, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

VANGUARD LIGHT GAUGE STEEL BUILDINGS, A DIVISION  
OR SUBSIDIARY OF SHELTER2HOME, LLC,  
DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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KUSHNICK PALLACI PLLC, BOHEMIA (JEFFREY A. LHUILLIER OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

ERNSTROM & DRESTE, LLP, ROCHESTER (TIMOTHY D. BOLDT OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County  
(Frederick G. Reed, A.J.), entered November 6, 2018. The order, among  
other things, struck defendant's answer and counterclaims, granted  
plaintiff judgment on the issue of liability on its first cause of  
action for breach of contract, and set a date for an inquest on  
damages.

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: March 20, 2020

Mark W. Bennett  
Clerk of the Court