

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

628

CA 19-01285

PRESENT: SMITH, J.P., NEMOYER, TROUTMAN, AND BANNISTER, JJ.

A.J.R. EQUITIES, INC., ET AL., PLAINTIFFS,

V

ORDER

SCOUT CONSTRUCTION MANAGEMENT, LLC, ET AL.,
DEFENDANTS.

SCOUT CONSTRUCTION MANAGEMENT, LLC, THIRD-PARTY
PLAINTIFF-APPELLANT,

V

JILL FUDO, THIRD-PARTY DEFENDANT-RESPONDENT,
ET AL., THIRD-PARTY DEFENDANT.
(APPEAL NO. 2.)

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (AMANDA L. MACHACEK OF
COUNSEL), FOR THIRD-PARTY PLAINTIFF-APPELLANT.

SUGARMAN LAW FIRM, LLP, SYRACUSE (JENNA W. KLUCSIK OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered July 3, 2019. The order denied the motion of third-party plaintiff for leave to reargue and renew its opposition to third-party defendant Jill Fudo's motion to dismiss the third-party complaint against her.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984 [4th Dept 1990]) and the order is affirmed without costs.

Entered: July 17, 2020

Mark W. Bennett
Clerk of the Court