

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

**654**

**CA 19-01402**

PRESENT: PERADOTTO, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

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JAMES HEALY, PLAINTIFF-RESPONDENT,

V

ORDER

EST DOWNTOWN, LLC, C/O FIRST AMHERST DEVELOPMENT  
GROUP, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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LAW OFFICES OF JOHN WALLACE, BUFFALO (JAMES J. NAVAGH OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

DOLCE PANEPINTO, P.C., BUFFALO (JONATHAN M. GORSKI OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered July 2, 2019. The order denied in part defendant's motion for summary judgment and granted plaintiff's motion for partial summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Eric D.* [appeal No. 1], 162 AD2d 1051, 1051 [4th Dept 1990]).

Entered: February 5, 2021

Mark W. Bennett  
Clerk of the Court