

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

527

CA 20-00987

PRESENT: SMITH, J.P., LINDLEY, TROUTMAN, BANNISTER, AND DEJOSEPH, JJ.

JAMES MONTANA AND APRIL MONTANA, INDIVIDUALLY,
AND AS HUSBAND AND WIFE, PLAINTIFFS-RESPONDENTS,

V

ORDER

DAVID MARKOWITZ METAL CO., INC.,
DEFENDANT-APPELLANT,
ET AL., DEFENDANT.

GORDON REES SCULLY MANSUKHANI, LLP, HARRISON, SHAUB AHMUTY CRITRIN &
SPRATT, LLP, LAKE SUCCESS (CHRISTOPHER SIMONE OF COUNSEL), FOR
DEFENDANT-APPELLANT.

CHERUNDOLO LAW FIRM, PLLC, SYRACUSE (JOHN C. CHERUNDOLO OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered June 11, 2020. The order denied the motion of defendant David Markowitz Metal Co., Inc., for summary judgment dismissing the amended complaint against it.

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

Entered: June 11, 2021

Mark W. Bennett
Clerk of the Court