

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

586

CA 20-01003

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

---

CHARLES BEST, PLAINTIFF-RESPONDENT,

V

ORDER

DCG DEVELOPMENT GROUP, LLC, ET AL., DEFENDANTS,  
WM. J. KELLER & SONS CONSTRUCTION CORP. AND  
DELSIGNORE BLACKTOP PAVING, INC.,  
DEFENDANTS-APPELLANTS.

---

LAW OFFICE OF JOHN WALLACE, ROCHESTER (VALERIE L. BARBIC OF COUNSEL),  
FOR DEFENDANT-APPELLANT DELSIGNORE BLACKTOP PAVING, INC.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (ELIZABETH A. HOFFMAN OF  
COUNSEL), FOR DEFENDANT-APPELLANT WM. J. KELLER & SONS CONSTRUCTION  
CORP.

CELLINO LAW LLP, BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeals from an order of the Supreme Court, Wayne County (Daniel G. Barrett, A.J.), entered July 13, 2020. The order, among other things, granted plaintiff's motion for leave to amend the complaint to add Wm. J. Keller & Sons Construction Corp. and Delsignore Blacktop Paving, Inc. as defendants.

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

Entered: June 11, 2021

Mark W. Bennett  
Clerk of the Court