

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

1138

CA 20-00285

PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND BANNISTER, JJ.

JASON E. ASKEW, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

WELL TIMED TRANSPORT, INC.,
DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

BARTH SULLIVAN BEHR, BUFFALO (DOMINIC M. CHIMERA OF COUNSEL), FOR
DEFENDANT-APPELLANT.

LAW OFFICE OF JENNIFER S. ADAMS, WILLIAMSVILLE (REBECCA POSTEK OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered July 22, 2019. The order denied the motion of defendant Well Timed Transport, Inc. for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed.

Same memorandum as in *Brown v Askew* ([appeal No. 1] – AD3d – [Feb. 4, 2022] [4th Dept 2022]).

Entered: February 4, 2022

Ann Dillon Flynn
Clerk of the Court