

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

235

CA 21-01401

PRESENT: WHALEN, P.J., SMITH, NEMOYER, CURRAN, AND BANNISTER, JJ.

JAMES MASSEY, PLAINTIFF-RESPONDENT,

V

ORDER

KEITH WHITTLINGER, DEFENDANT-APPELLANT.

HAGELIN SPENCER, LLC, BUFFALO (LAURA B. GARDINER OF COUNSEL), FOR
DEFENDANT-APPELLANT.

PARISI & BELLAVIA LAW, LLP, ROCHESTER (ALBERT L. PARISI OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Gail Donofrio, J.), entered April 1, 2021. The order, among other things, granted the cross motion of plaintiff for partial summary judgment.

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: March 11, 2022

Ann Dillon Flynn
Clerk of the Court