

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

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CA 21-00458

PRESENT: SMITH, J.P., CENTRA, LINDLEY, AND CURRAN, JJ.

MATTHEW M. HILLMAN, SR., PLAINTIFF-RESPONDENT,

V

ORDER

STATE UNIVERSITY CONSTRUCTION FUND,
LPCIMINELLI, INC., FNUB, INC., FNUB, LLC,
DEFENDANTS-RESPONDENTS,
AND HUBER CONSTRUCTION, INC., DEFENDANT-APPELLANT.

STATE UNIVERSITY CONSTRUCTION FUND,
LPCIMINELLI, INC., FNUB, INC., AND FNUB, LLC,
THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

HUBER CONSTRUCTION, INC.,
THIRD-PARTY DEFENDANT-APPELLANT.

PILLINGER MILLER TARALLO, LLP, SYRACUSE, GANNON, ROSENFARB & DROSSMAN,
NEW YORK CITY (LISA L. GOKHULSINGH OF COUNSEL), FOR DEFENDANT-
APPELLANT AND THIRD-PARTY DEFENDANT-APPELLANT.

COLLINS & COLLINS ATTORNEYS, LLC, BUFFALO (SAMUEL J. CAPIZZI OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

HODGSON RUSS LLP, BUFFALO (PATRICK J. HINES OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS AND THIRD-PARTY PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered February 2, 2021. The order, among other things, denied the motion of defendant-third-party defendant Huber Construction, Inc. for summary judgment and granted in part the motion of defendants-third-party plaintiffs for summary judgment.

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

Entered: April 22, 2022

Ann Dillon Flynn
Clerk of the Court