

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

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CA 21-01184

PRESENT: SMITH, J.P., CENTRA, NEMOYER, AND WINSLOW, JJ.

THE PASQUALE CONDOMINIUM BOARD OF MANAGERS
AND THE PASQUALE HOMEOWNERS ASSOCIATION,
PLAINTIFFS,

V

MEMORANDUM AND ORDER

1094 GROUP, LLC, 10 ELLICOTT SQUARE COURT
CORPORATION, DEFENDANTS-RESPONDENTS,
R.E. KRUG CORP. AND CONCEPT CONSTRUCTION CORP.,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (ELIZABETH A. KRAENGEL
OF COUNSEL), FOR DEFENDANT-APPELLANT CONCEPT CONSTRUCTION CORP.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (AARON W. KNIGHTS OF
COUNSEL), FOR DEFENDANT-APPELLANT R.E. KRUG CORP.

WOODS OVIATT GILMAN LLP, BUFFALO (WILLIAM ELMER BRUECKNER OF COUNSEL),
FOR DEFENDANTS-RESPONDENTS.

HURWITZ & FINE, P.C., BUFFALO (MICHAEL F. PERLEY OF COUNSEL), FOR
PLAINTIFFS.

Appeals from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 5, 2021. The order granted the motion of defendants 1094 Group, LLC, and 10 Ellicott Square Court Corporation to dismiss the cross claims filed against them by defendants Concept Construction Corp. and R.E. Krug Corp.

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

Same memorandum as in *The Pasquale Condominium Bd. of Mgrs. v 1094 Group, LLC* ([appeal No. 1] – AD3d – [July 8, 2022] [4th Dept 2022]).

Entered: July 8, 2022

Ann Dillon Flynn
Clerk of the Court