

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

**642**

**CA 21-00543**

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

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DANIEL RYAN, DOING BUSINESS AS GREENCO HOME  
SERVICES, PLAINTIFF-RESPONDENT,  
AND GREENCO HOME SERVICES, INC., PLAINTIFF,

V

ORDER

CAPITAL HEAT, INC., DEFENDANT-APPELLANT.

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ROBERT R. RADEL, ATTORNEYS AT LAW, BUFFALO (ROBERT R. RADEL OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

LAW OFFICE OF JOSEPH G. MAKOWSKI, BUFFALO (JOSEPH G. MAKOWSKI OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Dennis E.  
Ward, J.), entered March 10, 2021. The order denied defendant's  
motion for summary judgment.

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

Entered: November 18, 2022

Ann Dillon Flynn  
Clerk of the Court