

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

482

CA 21-01531

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

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JOSEPH MARINO, JR., PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MANNING SQUIRES HENNIG CO., INC.,  
DEFENDANT-APPELLANT.

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MANNING SQUIRES HENNIG CO., INC.,  
THIRD-PARTY PLAINTIFF,

V

HIGHLAND MASONRY AND RESTORATION, INC.,  
THIRD-PARTY DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (SAMANTHA V. CATONE OF  
COUNSEL), FOR DEFENDANT-APPELLANT AND THIRD-PARTY PLAINTIFF.

HURWITZ & FINE, P.C., BUFFALO (MARC A. SCHULZ OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-APPELLANT.

DOLCE PANEPINTO, P.C., BUFFALO (EDWARD L. SMITH, III, OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Erie County (Paula L. Feroletto, J.), entered October 21, 2021. The order denied the motions of defendant-third-party plaintiff and third-party defendant for leave to renew their opposition to that part of plaintiff's prior motion seeking partial summary judgment.

It is hereby ORDERED that said appeals are unanimously dismissed without costs.

Same memorandum as in *Marino v Manning Squires Hennig Co., Inc.* ([appeal No. 1] - AD3d - [Aug. 4, 2022] [4th Dept 2022]).

Entered: August 4, 2022

Ann Dillon Flynn  
Clerk of the Court