

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

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CA 22-00144

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.

COREY BROWN AND MARJORIE BROWN, PLAINTIFFS,

V

MEMORANDUM AND ORDER

WAL-MART STORES, INC., INDIVIDUALLY AND DOING
BUSINESS AS WAL-MART, ET AL., DEFENDANTS.

WAL-MART STORES, INC., INDIVIDUALLY AND DOING
BUSINESS AS WAL-MART, THIRD-PARTY
PLAINTIFF-APPELLANT,

V

TOWN OF AMHERST, THIRD-PARTY DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

HARTER SECREST & EMERY LLP, ROCHESTER (JEFFREY A. WADSWORTH OF
COUNSEL), AND BROWN HUTCHINSON LLP, FOR THIRD-PARTY
PLAINTIFF-APPELLANT.

MICHAEL J. WILLETT, BUFFALO, FOR THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Paul
Wojtaszek, J.), entered December 27, 2021. The order granted the
motion of third-party defendant for summary judgment dismissing the
third-party complaint.

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

Same memorandum as in *Brown v Wal-Mart Stores, Inc.* ([appeal No.
2] - AD3d - [May 5, 2023][4th Dept 2023]).

Entered: May 5, 2023

Ann Dillon Flynn
Clerk of the Court