

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

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CA 22-01763

PRESENT: SMITH, J.P., CURRAN, MONTOUR, GREENWOOD, AND NOWAK, JJ.

GAYLE BUNN AND PETER BUNN, SR.,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

FAXTON-ST. LUKE'S HEALTHCARE,
DEFENDANT-APPELLANT-RESPONDENT,
AND FAIRBROTHER PROPERTY MAINTENANCE, LLC,
DEFENDANT-RESPONDENT.

GALE GALE & HUNT, LLC, FAYETTEVILLE (ANDREW R. BORELLI OF COUNSEL),
FOR DEFENDANT-APPELLANT-RESPONDENT.

BRINDISI, MURAD & BRINDISI PEARLMAN, LLP, UTICA (ANTHONY A. MURAD OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS-APPELLANTS.

ROSSI & ROSSI, ATTORNEYS AT LAW, PLLC, NEW YORK MILLS (EVAN ROSSI OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeals from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered October 4, 2022. The order, among other things, denied the motion of defendant Faxton-St. Luke's Healthcare for summary judgment, granted those parts of the cross-motion of defendant Fairbrother Property Maintenance, LLC for summary judgment dismissing plaintiff's amended complaint and the cross-claims of Faxton-St. Luke's Healthcare for contribution and contractual indemnification against it, and denied the cross-motion of plaintiffs for, inter alia, prohibition pursuant to CPLR 3126.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: December 22, 2023

Ann Dillon Flynn
Clerk of the Court