

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

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CA 23-00622

PRESENT: WHALEN, P.J., LINDLEY, GREENWOOD, AND KEANE, JJ.

MATTHEW T. MARIACHER AND LOUISE MARIACHER,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

LPCIMINELLI, INC., LPCIMINELLI CONSTRUCTION CORP.,
I.C. CONSTRUCTION SERVICES, INC., LISA DOUCET, DOING
BUSINESS AS SHADES OF COLOR, SHADES OF COLOR, INC.,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 2.)

HODGSON RUSS LLP, BUFFALO (JULIA E. MIKOLAJCZAK OF COUNSEL), FOR
DEFENDANTS-APPELLANTS LPCIMINELLI, INC. AND LPCIMINELLI CONSTRUCTION
CORP.

LIPPMAN O'CONNOR, BUFFALO (MATTHEW J. DUGGAN OF COUNSEL), FOR
DEFENDANTS-APPELLANTS LISA DOUCET, DOING BUSINESS AS SHADES OF COLOR
AND SHADES OF COLOR, INC.

GOLDBERG SEGALLA LLP, BUFFALO (JAMES M. SPECYAL OF COUNSEL), FOR
DEFENDANT-APPELLANT I.C. CONSTRUCTION SERVICES, INC.

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (WILLIAM J. HALLETT OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeals from an order of the Supreme Court, Erie County (John B. Licata, J.), entered March 8, 2023. The order denied the motions of defendants LPCiminelli, Inc., LPCiminelli Construction Corp., Lisa Doucet, doing business as Shades of Color, Shades of Color, Inc., and I.C. Construction Services, Inc. for summary judgment dismissing plaintiffs' amended complaint and all cross-claims against them.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting the motion of defendants LPCiminelli, Inc. and LPCiminelli Construction Corp. and the motion of defendants Lisa Doucet, doing business as Shades of Color, and Shades of Color, Inc. and dismissing the amended complaint and all cross-claims against those defendants, and as modified the order is affirmed without costs.

Same memorandum as in *Mariacher v LPCiminelli, Inc.* ([appeal No. 1] - AD3d - [Mar. 22, 2024] [4th Dept 2024]).

Entered: March 22, 2024

Ann Dillon Flynn
Clerk of the Court