

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

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CA 23-00344

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, AND GREENWOOD, JJ.

JAMES A. ZAEPFEL, TONAWANDA PIRSON LLC, AND
95 PIRSON PARKWAY LLC, PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN OF TONAWANDA, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

COLUCCI & GALLAHER, P.C., BUFFALO (PAUL G. JOYCE OF COUNSEL), FOR
DEFENDANT-APPELLANT.

GROSS SHUMAN P.C., BUFFALO (B. KEVIN BURKE, JR., OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered January 17, 2023. The order, among other things, denied defendant's motion to set aside the jury verdict.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Zaepfel v Town of Tonawanda* ([appeal No. 2] – AD3d – [May 3, 2024] [4th Dept 2024]).

Entered: May 3, 2024

Ann Dillon Flynn
Clerk of the Court