

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

**382**

**CA 23-01817**

PRESENT: CURRAN, J.P., GREENWOOD, NOWAK, AND KEANE, JJ.

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DAVID NEHRBOSS, PLAINTIFF,

V

ORDER

600 CAYUGA ROAD, INC., DEFENDANT.

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600 CAYGUA ROAD, INC., THIRD-PARTY  
PLAINTIFF-RESPONDENT,

V

PLASTIC BOTTLES, INC., THIRD-PARTY  
DEFENDANT-APPELLANT.

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NASH CONNORS, P.C., BUFFALO (ANDREW J. KOWALEWSKI OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-APPELLANT.

LAW OFFICES OF JOHN WALLACE, BUFFALO (NANCY A. LONG OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Dennis E. Ward, J.), dated September 26, 2023. The order, insofar as appealed from, denied the motion of third-party defendant for summary judgment dismissing the third-party complaint and granted in part the cross-motion of defendant-third-party plaintiff for summary judgment.

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: May 3, 2024

Ann Dillon Flynn  
Clerk of the Court