

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

1267

CA 15-00380

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ.

ADAM GIACOMETTI, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

JACOB B. FARRELL, COUNTY OF ERIE, TIMOTHY B. HOWARD, IN HIS CAPACITY AS ERIE COUNTY SHERIFF, DEPUTY THOMAS WAS, BUFFALO BILLS INC., DEFENDANTS-RESPONDENTS-RESPONDENTS, ET AL., DEFENDANTS.
(ACTION NO. 1.)

COUNTY OF ERIE AND BUFFALO BILLS INC.,
THIRD-PARTY PLAINTIFFS,

V

CONTEMPORARY SERVICES CORPORATION AND EXECUTIVE SECURITY MANAGEMENT, INC. DOING BUSINESS AS THE APEX GROUP, THIRD-PARTY DEFENDANTS.

ADAM GIACOMETTI, PLAINTIFF-RESPONDENT-APPELLANT,

V

CONTEMPORARY SERVICES CORPORATION, DEFENDANT, AND EXECUTIVE SECURITY MANAGEMENT, INC. DOING BUSINESS AS THE APEX GROUP, DEFENDANT-APPELLANT-RESPONDENT.
(ACTION NO. 2.)
(APPEAL NO. 1.)

BARCLAY DAMON LLP, BUFFALO (VINCENT G. SACCOMANDO OF COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

SMITH, MINER, O'SHEA & SMITH, LLP, BUFFALO (CARRIE L. SMITH OF COUNSEL), FOR PLAINTIFF-RESPONDENT-APPELLANT.

GOLDBERG SEGALLA LLP, BUFFALO (TROY S. FLASCHER OF COUNSEL), FOR DEFENDANTS-RESPONDENTS-RESPONDENTS COUNTY OF ERIE AND BUFFALO BILLS INC.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered June 30, 2014. The order, among other things, granted the motion of defendants County of Erie

and Buffalo Bills Inc. for summary judgment dismissing the complaint and cross claims against them and denied in part the cross motion of defendant Executive Security Management, Inc. doing business as The Apex Group, for summary judgment.

It is hereby ORDERED that said appeal and cross appeal are unanimously dismissed without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985).

Entered: November 20, 2015

Frances E. Cafarell
Clerk of the Court