

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

Ivey v. Swan Group Ltd. Partnership

2026 NY Slip Op 03595 · No. 518 CA 25-00538 · Decided June 5, 2026

SUMMARY

The New York Appellate Division, Fourth Department dismissed an appeal and cross-appeal without costs pursuant to the parties' stipulation of discontinuance. The appeals arose from an order addressing motions for summary judgment in a construction-related action.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Montour, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	June 5, 2026
DOCKET	518 CA 25-00538
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal and cross-appeal from an order of Supreme Court, Monroe County, that, among other things, denied in part the motions for summary judgment of the defendant-third-party plaintiff and defendant-third-party defendant. The appeal and cross-appeal were dismissed pursuant to the parties' stipulation of discontinuance.
PRECEDENTIAL VALUE	published but nonprecedential as to the merits because the appeal and cross-appeal were dismissed upon stipulation
PARTIES	Swan Group Limited Partnership, CR1 Contracting, LLC v. Willie M. Ivey, Swan Group Limited Partnership, CR1 Contracting, LLC

TOPICS

- appellate procedure
- summary judgment
- civil procedure

PRACTICE AREAS

FACTUAL BACKGROUND

The opinion provides no substantive factual background because the appeal and cross-appeal were dismissed pursuant to the parties' stipulation of discontinuance. The underlying order concerned partial denials of summary judgment motions.

PROCEDURAL HISTORY

Supreme Court, Monroe County, entered an order dated March 19, 2025, denying in part certain motions for summary judgment. The parties subsequently executed a stipulation of discontinuance dated May 5, 2026, and the Appellate Division unanimously dismissed the appeal and cross-appeal without costs upon that stipulation.

DISPOSITION

dismissed

OPINION**PER CURIAM.**

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This decision is uncorrected and subject to revision before publication in the Official Reports. WILLIE M. IVEY, PLAINTIFF-RESPONDENT, v SWAN GROUP LIMITED PARTNERSHIP, DEFENDANT-APPELLANT-RESPONDENT AND CR1 CONTRACTING, LLC, DEFENDANT-RESPONDENT-APPELLANT. ----- SWAN GROUP LIMITED PARTNERSHIP, THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT, CR1 CONTRACTING, LLC, THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT, ET AL., THIRD-PARTY DEFENDANTS.

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department Decided on June 5, 2026 518 CA 25-00538 Present: Lindley, J.P., Montour, Ogden, Nowak, And Delconte, JJ. WOOD SMITH HENNING & BERMAN LLP, WHITE PLAINS (MEGHAN A. DIBBINI OF COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT AND THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT. RUPP PFALZGRAF LLC, ROCHESTER

(MATTHEW A. LENHARD OF COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT AND THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT.

THE BARNES FIRM P.C., ROCHESTER (BRETT L. MANSKE OF COUNSEL), FOR PLAINTIFF-RESPONDENT. Appeal and cross-appeal from an order of the Supreme Court, Monroe County (James A. Vazzana, J.), dated March 19, 2025. The order, among other things, denied in part the motions for summary judgment of defendant-third-party plaintiff and defendant-third-party defendant. [*1] Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 5, 2026, It is hereby ORDERED that said appeal and cross-appeal are unanimously dismissed without costs upon stipulation.

Entered: June 5, 2026 Ann Dillon Flynn Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.