

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ELIZABETH M. McMAHON,

Plaintiff,

vs.

WEGMANS FOOD MARKETS, INC.,

Defendant.

ORDER

Index No.: 810484/2015

The Defendant, Wegmans Food Markets, Inc., having filed a Notice of Motion for Summary Judgment dated April 25, 2018 supported by the Affidavit of Mark P. Della Posta, Esq. sworn to on the 25th day of April, 2018 and a Memorandum of Law submitted in support of Wegmans Motion for Summary Judgment also dated April 25, 2018 and the Plaintiff, Elizabeth M. McMahon having filed a Notice of Cross Motion for a bifurcated trial by Notice of Motion dated June 8, 2018 together with the Responding Affidavit of Richard S. Juda, Jr., Esq. dated June 8, 2018 in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross Motion for Bifurcation and a Memorandum of Law in Opposition to Wegmans Motion for Summary Judgment also dated June 8, 2018 and the Defendant, Wegmans Food Markets, Inc. having filed a Reply Affidavit of Mark P. Della Posta, Esq. in further support of Wegman's Motion for Summary Judgment dated June 14, 2018 together with a reply Memorandum of Law dated June 14, 2018 and this matter having regularly come on to be heard and after due deliberation being had thereon, it is hereby:

ORDERED, that the Defendant's Motion for Summary Judgment is hereby denied in all respects and it is further,

ORDERED, that the Plaintiff's Cross Motion for Bifurcation is hereby granted.

Granted:

*Entered
July 2, 2018*


Hon. E. Jeannette Ogden, J.S.C.