

# *State of New York*

## *Court of Appeals*

*At a session of the Court, held at Court of Appeals Hall in the City of Albany on the twenty-fourth day of February, 2011*

**Present,** HON. JONATHAN LIPPMAN, *Chief Judge, presiding.*

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Mo. No. 2011-26

Richard J. Erickson,  
Respondent,

v.

Cross Ready Mix, Inc.,  
Respondent,

Turner Construction Company,  
Appellant,

Elite Ready Mix Corporation,  
Respondent,

et al.,

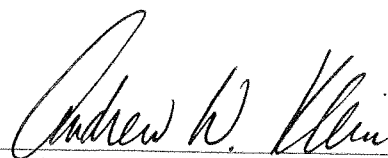
Defendants.

(And a Third-Party Action.)

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A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein, papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.



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Andrew W. Klein  
Clerk of the Court