

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

456

CA 23-00007

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, MONTOUR, AND OGDEN, JJ.

SAMSON MCA LLC, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

JOSEPH A. RUSSO M.D. P.C./IV THERAPEUTICS
PLLC, DOING BUSINESS AS ASPIRE MED SPA,
ET AL., DEFENDANTS,
AND MARCO V. BEATRICE, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

KHC LLC, NONPARTY.

AMOS WEINBERG, GREAT NECK, FOR DEFENDANT-APPELLANT.

R3M LAW, LLP, NEW YORK CITY (HOWARD A. MAGALIFF OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Ontario County (J. Scott Odorisi, J.), dated April 8, 2022. The order granted the motion of plaintiff for summary judgment and denied the cross-motion of defendants for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Samson MCA LLC v Joseph A. Russo M.D. P.C./IV Therapeutics PLLC* ([appeal No. 2] – AD3d – [Aug. 11, 2023] [4th Dept 2023]).

Entered: August 11, 2023

Ann Dillon Flynn
Clerk of the Court