

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

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CA 23-00451

PRESENT: SMITH, J.P., CURRAN, OGDEN, AND GREENWOOD, JJ.

IN THE MATTER OF MATTHEW KAVANAUGH,
JAMES KAVANAUGH AND HELEN KAVANAUGH, FOR THE
JUDICIAL DISSOLUTION OF CONSUMERS BEVERAGES,
INC. PURSUANT TO BCL § 1104-A,
PETITIONERS-APPELLANTS,

V

ORDER

CONSUMERS BEVERAGES, INC., ET AL., RESPONDENTS,
CORNELIUS KAVANAUGH, ALSO KNOWN AS NEIL KAVANAUGH,
RESPONDENT-RESPONDENT,
AND MARY ELLEN KAVANAUGH, RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

GROSS SHUMAN P.C., BUFFALO (KEVIN R. LELONEK OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

GARVEY & GARVEY, BUFFALO (DENNIS J. GARVEY OF COUNSEL), FOR
RESPONDENT-APPELLANT.

CONNORS LLP, BUFFALO (VINCENT E. DOYLE, III, OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

BARCLAY DAMON, LLP, BUFFALO (JAMES P. MILBRAND OF COUNSEL), FOR
RESPONDENT CONSUMERS BEVERAGES, INC.

Appeals from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered February 21, 2023. The order granted the motion of respondent Cornelius Kavanaugh, also known as Neil Kavanaugh, to dismiss the petition and cross-petitions.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated at Supreme Court.

Entered: March 15, 2024

Ann Dillon Flynn
Clerk of the Court