

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

971

CA 21-01511

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, BANNISTER, AND MONTOUR, JJ.

COUNSEL FINANCIAL II LLC, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BLAINE H. BORTNICK, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

MAGAVERN MAGAVERN GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

WOODS OVIATT GILMAN LLP, BUFFALO (WILLIAM F. SAVINO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered September 23, 2021. The order granted plaintiff's motion for summary judgment in lieu of complaint.

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

Same memorandum as in *Counsel Fin. II LLC v Bortnick* ([appeal No. 2] - AD3d - [Mar. 17, 2023] [4th Dept 2023]).

Entered: March 17, 2023

Ann Dillon Flynn
Clerk of the Court