

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

**44**

**CA 14-00319**

PRESENT: SMITH, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ.

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IN THE MATTER OF COLONIAL SURETY COMPANY,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

LAKEVIEW ADVISORS, LLC, ET AL., RESPONDENTS,  
AND RESOLUTION MANAGEMENT, LLC,  
RESPONDENT-RESPONDENT.  
(PROCEEDING NO. 1.)

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IN THE MATTER OF COLONIAL SURETY COMPANY,  
PETITIONER-APPELLANT,

V

NEAVERTH ENTERPRISES, LLC, ET AL.,  
RESPONDENTS,  
ANITA M. HANSEN AND GARY ALBANESE,  
RESPONDENTS-RESPONDENTS.  
(PROCEEDING NO. 2.)  
(APPEAL NO. 2.)

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UNDERBERG & KESSLER LLP, BUFFALO (EDWARD P. YANKELUNAS OF COUNSEL),  
AND MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP, NEW YORK CITY, FOR  
PETITIONER-APPELLANT.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (DENNIS C. VACCO OF  
COUNSEL), FOR RESPONDENT-RESPONDENT RESOLUTION MANAGEMENT, LLC.

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Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered October 4, 2013. The order granted the motion of respondents Resolution Management, LLC, Anita M. Hansen and Gary Albanese to strike the jury demand of petitioner and struck the jury demand.

It is hereby ORDERED that said appeal from that part of the order granting relief with respect to respondents Anita M. Hansen and Gary Albanese is unanimously dismissed, and the order is affirmed without costs.

Same Memorandum as in *Matter of Colonial Sur. Co. v Lakeview*

*Advisors, LLC* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Feb. 6, 2015]).

Entered: February 6, 2015

Frances E. Cafarell  
Clerk of the Court