

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

**1379**

**CA 15-01014**

PRESENT: SCUDDER, P.J., CENTRA, CARNI, AND DEJOSEPH, JJ.

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A.R.K. PATENT INTERNATIONAL, L.L.C.,  
TARKSOL, INC. AND A. RICHARD KOETZLE,  
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

MARK LEVY AND MARK LEVY & ASSOCIATES, PLLC,  
DEFENDANTS-APPELLANTS-RESPONDENTS.

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MILBER MAKRIS PLOUSADIS & SEIDEN, LLP, WOODBURY (LORIN A. DONNELLY OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

MICHAELS & SMOLAK, P.C., AUBURN (MICHAEL G. BERSANI OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS-APPELLANTS.

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Appeal and cross appeal from an order of the Supreme Court,  
Monroe County (J. Scott Odorisi, J.), entered December 10, 2014. The  
order, among other things, denied in part defendants' motion for  
summary judgment dismissing the amended complaint and denied in part  
plaintiffs' spoliation motion.

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

Entered: December 23, 2015

Frances E. Cafarell  
Clerk of the Court