

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

996

CA 17-00336

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, NEMOYER, AND CURRAN, JJ.

BOARD OF MANAGERS OF WEST AMHERST OFFICE PARK
CONDOMINIUM, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

RMFSG, LLC, DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(APPEAL NO. 2.)

PHILLIPS LYTLE LLP, ROCHESTER (ANTHONY J. IACCHETTA OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

RODNEY A. GIOVE, NIAGARA FALLS, FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered November 10, 2016. The order denied plaintiff's motion seeking, inter alia, summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Board of Mgrs. of W. Amherst Off. Park Condominium v RMFSG, LLC* ([appeal No. 1] ___ AD3d ___ [Sept. 29, 2017]).

Entered: September 29, 2017

Mark W. Bennett
Clerk of the Court