

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

1002

CA 16-02128

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

RES EXHIBIT SERVICES, LLC, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

GENESIS VISION, INC., DOING BUSINESS AS ROCHESTER
OPTICAL, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

NIXON PEABODY LLP, ROCHESTER (DAVID H. TENNANT OF COUNSEL), FOR
DEFENDANT-APPELLANT.

PHILLIPS LYTTLE LLP, ROCHESTER (CHAD W. FLANSBURG OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 22, 2016. The order, among other things, granted plaintiff's motion for partial summary judgment and denied defendant's cross motion for partial summary judgment.

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

Same memorandum as in *RES Exhibit Services, LLC v Genesis Vision, Inc.* ([appeal No. 3] ___ AD3d ___ [Nov. 9, 2017] [4th Dept 2017]).

Entered: November 9, 2017

Mark W. Bennett
Clerk of the Court