

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

**1243**

**CA 17-00142**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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MANUFACTURERS AND TRADERS TRUST COMPANY,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CLIENT SERVER DIRECT, INC., ACN PROPERTIES, LLC,  
JEFFREY T. DRILLING, HOLLY DRILLING,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

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CLIENT SERVER DIRECT, INC., ACN PROPERTIES, LLC,  
JEFFREY T. DRILLING, HOLLY DRILLING AND LEAP  
ANALYTIX, LLC, THIRD-PARTY PLAINTIFFS-APPELLANTS,

V

M&T BANK CORPORATION, MICHAEL (MICK) WHIPPLE,  
ALFRED F. LUHR, III, AND MARK MARTIN,  
THIRD-PARTY DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 3.)

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PARLATO LAW, WILLIAMSVILLE, CHAITMAN LLP, NEW YORK CITY (HELEN D.  
CHAITMAN OF COUNSEL), FOR DEFENDANTS-APPELLANTS AND THIRD-PARTY  
PLAINTIFFS-APPELLANTS.

HODGSON RUSS LLP, BUFFALO (ROBERT J. FLUSKEY, JR., OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT AND THIRD-PARTY DEFENDANTS-RESPONDENTS M&T BANK  
CORPORATION, ALFRED F. LUHR, III, AND MARK MARTIN.

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Appeal from an order of the Supreme Court, Erie County (Timothy  
J. Walker, A.J.), entered October 17, 2016. The order denied the  
motion of defendants-third-party plaintiffs Client Server Direct,  
Inc., ACN Properties, LLC, Jeffrey T. Drilling and Holly Drilling and  
of third-party plaintiff Leap Analytix, LLC to unseal the record.

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

Same memorandum as in *Manufacturers & Traders Trust Co. v Client  
Server Direct, Inc.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court