

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

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**CA 19-00941**

PRESENT: WHALEN, P.J., CARNI, WINSLOW, AND DEJOSEPH, JJ.

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MOHSIN NAGI AND CARE OF RAMSEY NAGI, POWER  
OF ATTORNEY, PLAINTIFF,

V

ORDER

TONY PAYNE, JR., ET AL., DEFENDANTS.

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LIPSITZ GREEN SCIME CAMBRIA, LLP,  
NONPARTY APPELLANT;

THE DIETRICH LAW FIRM P.C.,  
NONPARTY RESPONDENT.  
(APPEAL NO. 1.)

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LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR NONPARTY APPELLANT.

JOSEPH (JED) E. DIETRICH, III, ESQ., WILLIAMSVILLE, MAGAVERN MAGAVERN  
GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR NONPARTY  
RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered October 26, 2018. The order directed nonparty appellant to distribute \$30,506.17 in attorneys' fees to nonparty respondent.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988, 988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567 [1st Dept 1978]; *see also CPLR 5501 [a] [1]*).

Entered: January 31, 2020

Mark W. Bennett  
Clerk of the Court