

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

1029

CA 19-02042

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

SAMUEL J. CAPIZZI, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BROWN CHIARI LLP, JAMES E. BROWN AND
DONALD P. CHIARI, DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (R. ANTHONY RUPP, III, OF
COUNSEL), FOR DEFENDANTS-APPELLANTS BROWN CHIARI LLP AND DONALD P.
CHIARI.

HODGSON RUSS LLP, BUFFALO (BENJAMIN M. ZUFFRANIERI, JR., OF COUNSEL),
FOR DEFENDANT-APPELLANT JAMES E. BROWN.

WEBSTER SZANYI LLP, BUFFALO (KEVIN A. SZANYI OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (Timothy J. Walker, A.J.), entered October 15, 2019. The
judgment, insofar as appealed from, declared that the law firm of
Brown Chiari LLP dissolved upon plaintiff's resignation.

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

Same memorandum as in *Capizzi v Brown Chiari LLP* ([appeal No. 1]
– AD3d – [May 7, 2021] [4th Dept 2021]).

Entered: May 7, 2021

Mark W. Bennett
Clerk of the Court