

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

**272**

**CA 20-00397**

PRESENT: PERADOTTO, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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EAST AURORA COOPERATIVE MARKET, INC.,  
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

RED BRICK PLAZA LLC, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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HARRIS BEACH PLLC, BUFFALO (ALLISON B. FIUT OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

WEBSTER SZANYI LLP, BUFFALO (MICHAEL P. MCCLAREN OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered November 8, 2019. The order, inter alia, granted the motion of plaintiff to disburse funds from an escrow account.

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

Same memorandum as in *East Aurora Coop. Market, Inc. v Red Brick Plaza LLC* ([appeal No. 2] – AD3d – [Aug. 26, 2021] [4th Dept 2021]).

Entered: August 26, 2021

Mark W. Bennett  
Clerk of the Court