

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

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CA 22-00369

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, AND OGDEN, JJ.

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FORD MOTOR CREDIT COMPANY LLC, FORMERLY  
KNOWN AS FORD MOTOR CREDIT COMPANY,  
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

MCCARTHY ACQUISITION CORPORATION, DOING BUSINESS  
AS MCCARTHY FORD, ET AL., DEFENDANTS,  
AUTOMOTIVE FLEET LEASING SERVICES, INC., DOING  
BUSINESS AS AUTOMOTIVE FLEET LEASING CO.,  
THOMAS J. PIERONI AND BENTLEY HOLDINGS, INC.,  
DOING BUSINESS AS AUTOMOTIVE FLEET LEASING CO.,  
DEFENDANTS-RESPONDENTS.  
(ACTION NO. 1.)

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THOMAS J. PIERONI, BENTLEY HOLDINGS, INC., DOING  
BUSINESS AS AUTOMOTIVE FLEET LEASING CO.,  
PLAINTIFFS-RESPONDENTS,  
ET AL., PLAINTIFFS,

V

FORD MOTOR CREDIT COMPANY LLC, FORMERLY KNOWN AS  
FORD MOTOR CREDIT COMPANY, DEFENDANT-APPELLANT.  
(ACTION NO. 2.)  
(APPEAL NO. 1.)

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MAURO LILLING NAPARTY LLP, WOODBURY (RICHARD J. MONTES OF COUNSEL),  
FOR PLAINTIFF-APPELLANT AND DEFENDANT-APPELLANT.

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS AND PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered March 2, 2022. The order, inter alia, denied the motion of Ford Motor Credit Company LLC, formerly known as Ford Motor Credit Company to, inter alia, set aside the jury verdict.

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

Same memorandum as in *Ford Motor Credit Co. LLC v McCarthy Acquisition Corp.* ([appeal No. 2] – AD3d – [June 30, 2023] [4th Dept

20231).

Entered: June 30, 2023

Ann Dillon Flynn  
Clerk of the Court