

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

**783**

**CA 15-02057**

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

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BUFFALO BIODIESEL, INC., PLAINTIFF-APPELLANT,

V

ORDER

TAJ MAHAL, INC., DEFENDANT-RESPONDENT.

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LAW OFFICE OF JOSEPH G. MAKOWSKI, LLC, BUFFALO (APRIL J. ORLOWSKI OF COUNSEL), FOR PLAINTIFF-APPELLANT.

LAW OFFICE OF ANDREW J. STIMSON, BUFFALO (ANDREW J. STIMSON OF COUNSEL), AND CHRISTOPHER D. SMITH & ASSOCIATES, BLASDELL, FOR DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Paula L. Feroletto, J.), entered August 19, 2015. The order and judgment, inter alia, granted that part of the motion of defendant seeking dismissal of the complaint.

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

Entered: September 30, 2016

Frances E. Cafarell  
Clerk of the Court