

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

561

CA 21-01631

PRESENT: WHALEN, P.J., SMITH, CENTRA, LINDLEY, AND BANNISTER, JJ.

MICHAEL PERRI, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MARK CASE, DOING BUSINESS AS CASE'S MINI STORAGE,
BRIAN COOK AND JEFFREY COOK, DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

REFERMAT HURWITZ & DANIEL PLLC, ROCHESTER (JOHN T. REFERMAT OF
COUNSEL), FOR DEFENDANT-APPELLANT MARK CASE, DOING BUSINESS AS CASE'S
MINI STORAGE.

NIXON PEABODY LLP, ROCHESTER (ZACHARY C. OSINSKI OF COUNSEL), FOR
DEFENDANTS-APPELLANTS BRIAN COOK AND JEFFREY COOK.

SANTIAGO BURGER LLP, ROCHESTER (FERNANDO SANTIAGO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeals from an order of the Supreme Court, Ontario County (J. Scott Odorisi, J.), entered October 7, 2021. The order denied the motion of defendant Mark Case, doing business as Case's Mini Storage for leave to reargue and renew the opposition to plaintiff's motion for summary judgment.

It is hereby ORDERED that said appeals are unanimously dismissed without costs.

Same memorandum as in *Perri v Case* ([appeal No. 1] – AD3d – [Aug. 4, 2022] [4th Dept 2022]).

Entered: August 4, 2022

Ann Dillon Flynn
Clerk of the Court