

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

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CA 21-01606

PRESENT: SMITH, J.P., CURRAN, BANNISTER, AND OGDEN, JJ.

JASON J. MCGIRR, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JUSTIN ZURBRICK, DEFENDANT,
AND CANALSIDE HARBOR 2013, LLC,
DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

LAW OFFICES OF STEVE BOYD, P.C., BUFFALO (LEAH A. COSTANZO OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (NOLAN M. HALE OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Daniel Furlong, J.), entered October 22, 2021. The order, insofar as appealed from, denied the cross-motion of plaintiff for leave to renew and reargue his motion for sanctions.

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

Same memorandum as in *McGirr v Zurbrick* ([appeal No. 2] – AD3d – [June 30, 2023] [4th Dept 2023]).

Entered: June 30, 2023

Ann Dillon Flynn
Clerk of the Court