

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

212.1

CA 10-02056

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

IN THE MATTER OF COLONIAL SURETY
COMPANY, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

LAKEVIEW ADVISORS, LLC, RESOLUTION
MANAGEMENT, LLC, RESPONDENTS-RESPONDENTS,
AND NATIONAL CREDIT ADJUSTERS, LLC, RESPONDENT.
(APPEAL NO. 1.)

UNDERBERG & KESSLER LLP, BUFFALO (EDWARD P. YANKELUNAS OF COUNSEL),
FOR PETITIONER-APPELLANT.

LAW OFFICE OF JOSEPH G. MAKOWSKI, LLC, BUFFALO (CARL STEINBRENNER OF
COUNSEL), FOR RESPONDENT-RESPONDENT LAKEVIEW ADVISORS, LLC.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (DENNIS C. VACCO OF
COUNSEL), FOR RESPONDENT-RESPONDENT RESOLUTION MANAGEMENT, LLC.

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered July 13, 2010 in a proceeding pursuant to CPLR article 52. The order, among other things, directed respondent Resolution Management, LLC to pay the sum of \$537,000 into an escrow account.

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

Same Memorandum as in *Colonial Sur. Co. v Lakeview Advisors, LLC* ([appeal No. 2] ___ AD3d ___ [Feb. 18, 2011]).

Entered: February 18, 2011

Patricia L. Morgan
Clerk of the Court