

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

749

**CA 12-01683**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND LINDLEY, JJ.

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APRYL CALACI, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ALLIED INTERSTATE, INC., ALLIED INTERSTATE, LLC  
AND IQOR US INC., DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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REED SMITH LLP, NEW YORK CITY (CASEY D. LAFFEY OF COUNSEL), AND  
UNDERBERG & KESSLER LLP, BUFFALO, FOR DEFENDANTS-APPELLANTS.

LAW OFFICES OF KENNETH HILLER, PLLC, AMHERST (KENNETH R. HILLER OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Thomas M. Van Strydonck, J.), entered May 26, 2012. The order, among other things, granted the motion of plaintiff for judgment on liability based on defendants' default and for an inquest on damages, and denied the amended motion of defendants to dismiss the complaint and compel arbitration.

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

Same Memorandum as in *Calaci v Allied Interstate, Inc.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [July 5, 2013]).

Entered: July 5, 2013

Frances E. Cafarell  
Clerk of the Court