

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

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**CA 13-00837**

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ.

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M&T BANK, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CHOICE GRANITE PRODUCTS LTD., ET AL., DEFENDANTS,  
AND CARINA FARBER, ALSO KNOWN AS CARMEN FARBER,  
DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (GERALD T. WALSH OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

GETMAN & BIRYLA, LLP, BUFFALO (MATTHEW D. VALAURI OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered March 12, 2013. The order granted plaintiff's motion for summary judgment as against Carina Farber, also known as Carmen Farber.

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

Same Memorandum as in *M&T Bank v Choice Granite Products Ltd.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Mar. 21, 2014]).

Entered: March 21, 2014

Frances E. Cafarell  
Clerk of the Court