

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

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CA 09-01100

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, PINE, AND GORSKI, JJ.

JASON L. SCHMIDT, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

GREGORY V. LORENZO AND LORENZO
INTERNATIONAL, INC., DEFENDANTS-RESPONDENTS.
(APPEAL NO. 3.)

JASON L. SCHMIDT, PLAINTIFF-APPELLANT PRO SE.

DAMON MOREY LLP, BUFFALO (GREGORY ZINI OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Chautauqua County (Timothy J. Walker, A.J.), entered May 4, 2009. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment on the cause of action for unjust enrichment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Schmidt v Lorenzo* ([appeal No. 1] ___ AD3d ___ [Feb. 11, 2010]).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court