

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

1269

CA 08-01817

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

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FRANK PARLATO, JR., INDIVIDUALLY AND AS  
MANAGER OF ONE NIAGARA, LLC AND AS PRESIDENT  
OF WHITESTAR DEVELOPMENT CORP., AND WHITESTAR  
DEVELOPMENT CORP., AS MEMBER OF ONE NIAGARA,  
LLC, PLAINTIFFS-RESPONDENTS,

V

ORDER

INCREDIBLE INVESTMENTS LIMITED, SHMUEL SHMUELI,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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ZDARSKY SAWICKI & AGOSTINELLI LLP, BUFFALO (JOSEPH E. ZDARSKY OF  
COUNSEL), AND LORENZO & COHEN, FOR DEFENDANTS-APPELLANTS.

ROSCETTI & DECASTRO, P.C., NIAGARA FALLS (PAUL A. GRENGA OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeals from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 21, 2008. The order, insofar as appealed from, granted in part plaintiffs' motion for a preliminary injunction.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court