

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

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**CA 10-01784**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

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SMALL BUSINESS LOAN SOURCE, LLC,  
PLAINTIFF-APPELLANT,

V

ORDER

4 DOGS OF SYRACUSE, LLC, ET AL., DEFENDANTS.

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JOSEPH A. KESSLER, NONPARTY RESPONDENT.

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DEILY, MOONEY & GLASTETTER, LLP, ALBANY (JOHN D. RODGERS OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

HINMAN HOWARD & KATTELL, LLP, BINGHAMTON (LINDA JOHNSON OF COUNSEL),  
FOR NONPARTY RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered November 3, 2009 in a foreclosure action. The order, among other things, denied plaintiff's motion for leave to pursue a deficiency judgment against nonparty guarantor Joseph A. Kessler.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: February 18, 2011

Patricia L. Morgan  
Clerk of the Court