

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

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CA 11-01885

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

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EKLECCO NEWCO, LLC, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

Q OF PALISADES, LLC, DOING BUSINESS AS QDOBA  
MEXICAN GRILL, AND ROBERT A. LYON,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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YOUNG/SOMMER LLC, ALBANY (J. MICHAEL NAUGHTON OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

HISCOCK & BARCLAY, LLP, SYRACUSE (W. COOK ALCIATI OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered September 12, 2011 in a breach of contract action. The order, among other things, denied plaintiff's motion for leave to reargue and/or renew.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed and the order is otherwise affirmed without costs.

Same Memorandum as in *Eklecco Newco, LLC v Q of Palisades, LLC* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Mar. 16, 2012]).

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court