

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

349

CA 11-01572

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

---

M&T REAL ESTATE TRUST, SUCCESSOR BY MERGER TO  
M&T REAL ESTATE, INC., PLAINTIFF-RESPONDENT,

V

ORDER

JAMES J. DOYLE, II, AND JIM DOYLE FORD, INC.,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

---

GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C., BUFFALO (JOHN K. ROTTARIS OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (HOWARD S. ROSENHOCH OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Erie County (Michael L. D'Amico, A.J.), entered June 29, 2011 in a proceeding pursuant to RPAPL article 13. The order, among other things, granted plaintiff's motion for leave to enter a deficiency judgment against defendants.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; see also CPLR 5501 [a] [1]).

Entered: March 23, 2012

Frances E. Cafarell  
Clerk of the Court