

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

867

CA 12-00446

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, BY ERIC SCHNEIDERMAN, ATTORNEY GENERAL OF THE STATE OF NEW YORK, PLAINTIFF-APPELLANT,

V

ORDER

FRISCO MARKETING OF NY LLC, DOING BUSINESS AS SMARTBUY AND SMARTBUY COMPUTERS AND ELECTRONICS, ET AL., DEFENDANTS,
AND WILLIAM COLLINS, INDIVIDUALLY AND AS AN OFFICER AND/OR DIRECTOR OF ROME FINANCE CO., INC., ROME FINANCE CO. (GA), LLC AND BRITLEE, INC., DOING BUSINESS AS MILITARY ZONE AND SMARTBUY, DEFENDANT-RESPONDENT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (ZAINAB A. CHAUDHRY OF COUNSEL), FOR PLAINTIFF-APPELLANT.

CONBOY, MCKAY, BACHMAN & KENDALL, LLP, WATERTOWN (STEPHEN W. GEBO OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Jefferson County (Hugh A. Gilbert, J.), dated May 6, 2011. The order, insofar as appealed from, granted the motion of defendant William Collins to dismiss the complaint and dismissed the complaint against him.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs, the motion is denied and the complaint is reinstated against defendant William Collins, individually and in his corporate capacity (*see People v Frisco Mktg. of NY LLC*, 93 AD3d 1352).

Entered: September 28, 2012

Frances E. Cafarell
Clerk of the Court