

State of New York Court of Appeals

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 65 SSM 8
Mega Beverage Redemption Center,
Inc.,
Appellant,
v.
City of Mount Vernon,
Respondent.

Scott A. Eisman, for appellant.
Lisa A. LeCours, for respondent.

On review of submissions pursuant to section 500.11 of the Rules (22 NYCRR 500.11), order affirmed, with costs, and judgment absolute dismissing the complaint granted upon plaintiff's stipulation. Plaintiff has failed to demonstrate that its appeal to the Appellate Division did not present questions of fact, and the Appellate Division did not recite "either that the questions of fact have not been considered or that the court has considered the questions of fact and has determined that it would not grant a new trial or hearing upon those questions," as specified in CPLR 5615 (*see* Arthur Karger, Powers of the New York Court of Appeals, § 8:10, at 278-279 [3d ed rev 2005]). Therefore, this Court is bound to affirm and render judgment absolute (*see* CPLR 5615). Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided April 16, 2026