

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

841

CA 12-02372

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

JONATHAN ABBOTT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

VITO WILLIAM LUCCHETTI, JR., THE MACREPORT.NET, INC., MARCELLUS GROUP, LLC, MARCELLUS GROUP CONSTRUCTION, LLC, JA SPA, LLC, SONO PIZZA & PASTA FACTORY, INC., CROWN MILL RESTORATION DEVELOPMENT, LLC AND MACREPORT.NET MEDIA PUBLISHING, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

CERIO LAW OFFICES, SYRACUSE (DAVID W. HERKALA OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

KENNY & KENNY, PLLC, SYRACUSE (JUSTIN D. HOWLAND OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 29, 2012. The order denied the motion of defendants to stay discovery and for a protective order.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same Memorandum as in *Abbott v Lucchetti* ([appeal No. 3] ___ AD3d ___ [Sept. 27, 2013]).

Entered: September 27, 2013

Frances E. Cafarell
Clerk of the Court