

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

920

CA 24-00298

PRESENT: LINDLEY, J.P., OGDEN, DELCONTE, AND HANNAH, JJ.

GSMS 2015-GC34 COMMERCE COURT, LLC,
PLAINTIFF-RESPONDENT-APPELLANT,

V

MEMORANDUM AND ORDER

CALAMAR CONSTRUCTION MANAGEMENT, INC.,
DEFENDANT-APPELLANT-RESPONDENT.
(APPEAL NO. 2.)

HODGSON RUSS LLP, NEW YORK CITY (CARMINE J. CASTELLANO OF COUNSEL),
FOR DEFENDANT-APPELLANT-RESPONDENT.

MCCARTER & ENGLISH, LLP, NEW YORK CITY (GREGORY J. MASCITTI OF
COUNSEL), FOR PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross-appeal from an order of the Supreme Court,
Niagara County (Edward Pace, J.), entered August 31, 2023. The order,
among other things, granted defendant's motion for, inter alia, a stay
pending appeal.

It is hereby ORDERED that said appeal and cross-appeal are
unanimously dismissed without costs.

Same memorandum as in *GSMS 2015-GC34 Commerce Ct., LLC v Calamar
Constr. Mgt., Inc.* ([appeal No. 1] – AD3d – [Feb. 7, 2025] [4th Dept
2025]).

Entered: February 7, 2025

Ann Dillon Flynn
Clerk of the Court