

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

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CA 24-00338

PRESENT: WHALEN, P.J., BANNISTER, OGDEN, NOWAK, AND KEANE, JJ.

ROUTE 90, LLC, UBIF NEW YORK, LLC,
AND NATHAN BAUTZ, PLAINTIFFS-APPELLANTS,

V

ORDER

ASURION UBIF FRANCHISE, LLC, AND ASURION, LLC,
DEFENDANTS-RESPONDENTS.

LAW OFFICES OF JOHN P. BARTOLOMEI & ASSOCIATES, NIAGARA FALLS (MATTHEW
J. BIRD OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

HURWITZ FINE P.C., BUFFALO (ANDREA SCHILLACI OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County
(Deborah A. Chimes, J.), entered January 23, 2024. The order granted
the motion of defendants to dismiss the complaint.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: March 14, 2025

Ann Dillon Flynn
Clerk of the Court