

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

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CA 24-01526

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND DELCONTE, JJ.

HOYTE'S CONCRETE PRODUCTS, INC.,
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JOHN DIANGELO, ALSO KNOWN AS RICHARD JOHN DIANGELO,
DEFENDANTS-RESPONDENTS.

CROSSMORE AND TIFFANY, ITHACA (KIRSTIN TIFFANY OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered August 28, 2024, in an action for replevin. The order, insofar as appealed from, dismissed the complaint.

It is hereby ORDERED that the case is held, the decision is reserved and the matter is remitted to Supreme Court, Cayuga County, for further proceedings in accordance with the following memorandum: Plaintiff, as limited by its brief, appeals from an order entered following a nonjury trial insofar as it dismissed the complaint. Supreme Court's written decision fails to set forth "the facts it deem[ed] essential" to its determination (CPLR 4213 [b]). Under the circumstances, we conclude that the case must be held and that the decision must be reserved, and we remit the matter to Supreme Court to make the requisite findings of fact (*see State Bank of Tex. v Kaanam, LLC*, 170 AD3d 1498, 1498 [4th Dept 2019]; *Chavoustie v Stone St. Baptist Church of Chaumont*, 163 AD2d 856, 856 [4th Dept 1990]).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court