

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

226

CA 20-01289

PRESENT: SMITH, J.P., NEMOYER, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

ROBERT OWEN LEHMAN FOUNDATION, INC.,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

ISRAELITISCHE KULTUSGEMEINDE WIEN, ET AL.,
DEFENDANTS,
MICHAEL BAR, ROBERT RIEGER TRUST, AND JACOB
BARAK, AS TRUSTEE OF THE ROBERT RIEGER TRUST,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

DUNNINGTON BARTHOLOW & MILLER, NEW YORK CITY (RAYMOND J. DOWD OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

NIXON PEABODY LLP, ROCHESTER (ZACHARY C. OSINSKI OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 1, 2020. The order denied the motion of defendants Robert Rieger Trust and Jacob Barak, as trustee of the Robert Rieger Trust, joined by defendant Michael Bar, seeking leave to renew and reargue a motion for a change of venue or, in the alternative, to dismiss the amended complaint.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed and the order is affirmed without costs.

Same memorandum as in *Robert Owen Lehman Found., Inc. v Israelitische Kultusgemeinde Wien* ([appeal No. 1] – AD3d – [Aug. 26, 2021] [4th Dept 2021]).

Entered: August 26, 2021

Mark W. Bennett
Clerk of the Court