

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

**972**

**CA 21-00034**

PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ.

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ROBERT T. VAN DE MARK, PLAINTIFF-APPELLANT,

V

ORDER

MBR CAPITAL PARTNERS, LLC, ET AL., DEFENDANTS.  
(ACTION NO. 1.)

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TRACEY TAYLOR, FORMERLY KNOWN AS TRACEY  
BERNARDONI, PLAINTIFF-RESPONDENT,

V

ROBERT T. VAN DE MARK, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(ACTION NO. 2.)  
(APPEAL NO. 1.)

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THE LAW OFFICE OF ANNEMARIE E. STEWARD, WILLIAMSVILLE (ANNEMARIE E.  
STEWART OF COUNSEL), FOR PLAINTIFF-APPELLANT AND DEFENDANT-APPELLANT.

ADDELMAN CROSS & BALDWIN, PC, BUFFALO (JESSE B. BALDWIN OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered October 29, 2020. The order granted the motion of Tracey Taylor, formerly known as Tracey Bernardoni, leave to intervene in action No. 1 and denied the motion of Robert T. Van De Mark to dismiss the amended complaint in action No. 2.

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

All concur except DEJOSEPH, J., who is not participating.

Entered: January 28, 2022

Ann Dillon Flynn  
Clerk of the Court