

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

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CA 21-00009

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

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FRACTIONAL STRATEGIES, INC.,  
PLAINTIFF-RESPONDENT,

V

ORDER

DAVID GENECCO AND SMECCO, LLC,  
DEFENDANTS-APPELLANTS.

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KNAUF SHAW LLP, ROCHESTER (JONATHAN R. TANTILLO OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (KRISTINE N. CELESTE  
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County (J. Scott Odorisi, J.), entered December 1, 2020. The order denied defendants' motion for summary judgment and granted plaintiff's cross motion for leave to amend its 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 11, 2022

Ann Dillon Flynn  
Clerk of the Court