

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

604

CA 21-00757

PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND NEMOYER, JJ.

LIBERTY WARRANTY CORPORATION, DOING BUSINESS AS
LAWLEY AUTOMOTIVE DEALERSHIP SOLUTIONS, INC.,
PLAINTIFF,

V

ORDER

FUCCILLO AUTOMOTIVE GROUP, INC., DEFENDANT.

FUCCILLO AUTOMOTIVE GROUP, INC.,
PLAINTIFF-APPELLANT,

V

LIBERTY WARRANTY CORPORATION, DOING BUSINESS
AS LAWLEY AUTOMOTIVE DEALERSHIP SOLUTIONS, INC.,
TODD F. BEST, THOMAS R. BURKE, JR.,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.

BELLAVIA BLATT, P.C., MINEOLA (STEVEN H. BLATT OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (SARAH A. O'BRIEN OF COUNSEL), FOR
DEFENDANT-RESPONDENT LIBERTY WARRANTY CORPORATION, DOING BUSINESS AS
LAWLEY AUTOMOTIVE DEALERSHIP SOLUTIONS, INC.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered April 22, 2021. The order granted in part the motion of defendants-respondents to dismiss the complaint of plaintiff-appellant.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court