

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

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CA 22-00153

PRESENT: LINDLEY, J.P., NEMOYER, CURRAN, WINSLOW, AND BANNISTER, JJ.

IN THE MATTER OF EGATE-95, LLC,
PETITIONER-APPELLANT,

V

ORDER

FITNESS INTERNATIONAL, LLC,
RESPONDENT-RESPONDENT.
(APPEAL NO. 2.)

PHILLIPS LYTTLE LLP, BUFFALO (DAVID J. MCNAMARA OF COUNSEL), FOR
PETITIONER-APPELLANT.

KLEHR HARRISON HARVEY BRANZBURG, LLP, PHILADELPHIA, PENNSYLVANIA (A.
GRANT PHELAN, OF THE PENNSYLVANIA BAR, ADMITTED PRO HAC VICE, OF
COUNSEL), AND MAGAVERN MAGAVERN GRIMM LLP, BUFFALO, FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered January 28, 2022. The order, among other things, granted petitioner's motion for leave to reargue and renew its petition and, upon reargument and renewal, adhered to the prior determination denying the petition.

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