

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

**42**

**CA 23-01366**

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, AND HANNAH, JJ.

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DENEB PIRRONE, INDIVIDUALLY, ON BEHALF OF  
HIMSELF AND DERIVATIVELY ON BEHALF OF  
NOMINAL DEFENDANT, SERVOTRONICS, INC.,  
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

SERVOTRONICS, INC., SERVOTRONICS BOARD OF DIRECTORS,  
THE ONTARIO KNIFE COMPANY, KENNETH D. TRBOVICH,  
DEFENDANTS-RESPONDENTS,  
AND SERVOTRONICS, INC., NOMINAL DEFENDANT.

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RUPP PFALZGRAF LLC, BUFFALO (ALYSHA M. NAIK OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

CONNORS LLP, BUFFALO (ANDREW M. DEBBINS OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS SERVOTRONICS, INC., SERVOTRONICS BOARD OF  
DIRECTORS, AND THE ONTARIO KNIFE COMPANY.

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Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered July 20, 2023. The order denied plaintiff's motion to compel.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting the motion in part and compelling disclosure of Document Nos. 11-22, 29-33, 38-42, 48, 57-59 and 63-65, as numbered in the in camera exhibits, and as modified the order is affirmed without costs.

Memorandum: Supreme Court abused its discretion in denying plaintiff's motion to compel discovery of documents in its entirety. Upon reviewing each of the documents that were in camera exhibits, we conclude that the following documents do not qualify for protection from discovery under the attorney-client privilege, the work product doctrine, or as material prepared in anticipation of litigation: Document Nos. 11-22, 29-33, 38-42, 48, 57-59, and 63-65. We therefore modify the order by granting plaintiff's motion insofar as it seeks disclosure of those items. We have reviewed plaintiff's remaining contention and conclude that it does not warrant further modification or reversal of the order.

Entered: June 6, 2025

Ann Dillon Flynn  
Clerk of the Court