

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

457

CA 24-01548

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, GREENWOOD, AND NOWAK, JJ.

HERNANDEZ TECHNOLOGY, INC., DOING BUSINESS AS FIRST
CAPITAL, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

BERNABE RIVERA, DEFENDANT-RESPONDENT.

BOND SCHOENECK & KING PLLC, ROCHESTER (LAURA A. MYERS OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

RUPP PFALZGRAF LLC, ROCHESTER (KEVIN J. FEDERATION OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered June 7, 2024. The order granted plaintiff's motion for leave to reargue its motion for summary judgment, and upon reargument adhered to its previous determination, and granted defendant leave to amend his answer.

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

Same memorandum as in *Hernandez Tech., Inc. v Rivera* ([appeal No. 1] - AD3d - [June 6, 2025] [4th Dept 2025]).

Entered: June 6, 2025

Ann Dillon Flynn
Clerk of the Court