

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

**714**

**CA 24-01179**

PRESENT: WHALEN, P.J., BANNISTER, SMITH, NOWAK, AND DELCONTE, JJ.

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MONTEREY ROAD 5382, LLC, PLAINTIFF-APPELLANT,

V

ORDER

LILLY BROADCASTING, LLC, AND LILLY BROADCASTING  
HOLDINGS, LLC, DEFENDANTS-RESPONDENTS.

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MILLER MAYER, LLP, ITHACA (ANTHONY N. ELIA OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

FOX ROTHSCHILD LLP, BLUE BELL, PENNSYLVANIA (MICHAEL K. TWERSKY,  
ADMITTED PRO HAC VICE, OF COUNSEL), AND SCHLATHER, STUMBAR, PARKS &  
SALK, LLP, ITHACA, FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Steuben County (Jason  
L. Cook, J.), entered July 1, 2024. The order granted the motion of  
defendants to dismiss the complaint.

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

Entered: October 3, 2025

Ann Dillon Flynn  
Clerk of the Court