

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

**1241**

**CA 17-00141**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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MANUFACTURERS AND TRADERS TRUST COMPANY,  
PLAINTIFF,

V

MEMORANDUM AND ORDER

CLIENT SERVER DIRECT, INC., ET AL., DEFENDANTS.

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CLIENT SERVER DIRECT, INC., ACN PROPERTIES, LLC,  
JEFFREY T. DRILLING, HOLLY DRILLING AND LEAP  
ANALYTIX, LLC, THIRD-PARTY PLAINTIFFS-APPELLANTS,

V

M&T BANK CORPORATION, ET AL., THIRD-PARTY  
DEFENDANTS,  
AND MICHAEL (MICK) WHIPPLE, THIRD-PARTY  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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PARLATO LAW, WILLIAMSVILLE, CHAITMAN LLP, NEW YORK CITY (HELEN D.  
CHAITMAN OF COUNSEL), FOR THIRD-PARTY PLAINTIFFS-APPELLANTS.

PERSONIUS MELBER LLP, BUFFALO (RODNEY O. PERSONIUS OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered June 10, 2016. The order denied the motion of third-party plaintiffs for partial summary judgment on the issue of liability with respect to their claims against third-party defendant Michael (Mick) Whipple.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Manufacturers & Traders Trust Co. v Client Server Direct, Inc.* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court