

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

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CA 19-01358

PRESENT: WHALEN, P.J., CARNI, WINSLOW, AND DEJOSEPH, JJ.

MOHSIN NAGI AND CARE OF RAMSEY NAGI, POWER
OF ATTORNEY, PLAINTIFF,

V

ORDER

TONY PAYNE, JR., ET AL., DEFENDANTS.

LIPSITZ GREEN SCIME CAMBRIA, LLP,
NONPARTY APPELLANT;

THE DIETRICH LAW FIRM P.C.,
NONPARTY RESPONDENT.
(APPEAL NO. 2.)

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR NONPARTY APPELLANT.

JOSEPH (JED) E. DIETRICH, III, ESQ., WILLIAMSVILLE, MAGAVERN MAGAVERN
GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL), FOR NONPARTY
RESPONDENT.

Appeal from an amended order of the Supreme Court, Erie County
(Tracey A. Bannister, J.), entered January 9, 2019. The amended order
authorized nonparty appellant to release any unpaid portion of its
disbursements held in escrow to itself.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988,
988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*,
63 AD2d 566, 567 [1st Dept 1978]; *see also CPLR 5501 [a] [1]*).

Entered: January 31, 2020

Mark W. Bennett
Clerk of the Court