

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

1122

CA 19-01356

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND BANNISTER, JJ.

BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF
UNITED STATES OF AMERICA AND NORTH TONAWANDA
LODGE NUMBER 860 OF BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF UNITED STATES OF AMERICA,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

CREATIVE COMFORT SYSTEMS, INC., AND REIMER
HEATING AND AIR CONDITIONING, INC.,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (MARCO CERCONI OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

WEBSTER SZANYI, LLP, BUFFALO (THOMAS S. LANE OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County
(Richard C. Kloch, Sr., A.J.), entered June 24, 2019. The order,
among other things, denied the motion of defendants seeking, inter
alia, to set aside the verdict.

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

Same memorandum as in *Benevolent and Protective Order of Elks of
United States of Am. v Creative Comfort Sys., Inc.* ([appeal No. 1] -
AD3d - [Mar. 19, 2021] [4th Dept 2021]).

Entered: March 19, 2021

Mark W. Bennett
Clerk of the Court