

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

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CA 21-00617

PRESENT: CENTRA, J.P., NEMOYER, CURRAN, AND BANNISTER, JJ.

NEW WAVE ENERGY CORP., JOHN LUDTKA AND NICHOLAS
JERGE, PLAINTIFFS-APPELLANTS,

V

ORDER

ENERGYMARK, LLC, AND KEVIN CLOUGH,
DEFENDANTS-RESPONDENTS.

THE KNOER GROUP, PLLC, BUFFALO (ALICE J. CUNNINGHAM OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

COLLIGAN LAW LLP, BUFFALO (KEVIN T. O'BRIEN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered April 13, 2021. The order denied plaintiffs' motion to compel and granted defendants' cross motion for a protective order.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court