

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

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CA 21-01361

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND NEMOYER, JJ.

IN THE MATTER OF BRIGHTON GRASSROOTS, LLC,
PETITIONER-PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

TOWN OF BRIGHTON, TOWN BOARD OF TOWN OF
BRIGHTON, TOWN OF BRIGHTON PLANNING BOARD,
M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA, LLC,
MARDANTH ENTERPRISES, INC., DANIELE
MANAGEMENT, LLC, COLLECTIVELY DOING BUSINESS
AS DANIELE FAMILY COMPANIES,
RESPONDENTS-DEFENDANTS-RESPONDENTS,
ET AL., RESPONDENTS-DEFENDANTS.
(APPEAL NO. 3.)

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR
PETITIONER-PLAINTIFF-APPELLANT.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS TOWN OF BRIGHTON, TOWN BOARD OF
TOWN OF BRIGHTON, AND TOWN OF BRIGHTON PLANNING BOARD.

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS M&F, LLC, DANIELE SPC, LLC,
MUCCA MUCCA, LLC, MARDANTH ENTERPRISES, INC., AND DANIELE MANAGEMENT,
LLC, COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY COMPANIES.

Appeal from an order of the Supreme Court, Monroe County (J.
Scott Odorisi, J.), entered September 9, 2021. The order denied the
motion of petitioner-plaintiff for a preliminary injunction.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed.

Same memorandum as in *Matter of Brighton Grassroots, LLC v Town
of Brighton Planning Bd.* ([appeal No. 1] – AD3d – [Sept. 30, 2022]
[4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court