

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

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CA 21-01363

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

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

V

MEMORANDUM AND ORDER

NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
ET AL., RESPONDENTS,
M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA, LLC,
MARDANTH ENTERPRISES, INC., AND DANIELE
MANAGEMENT, LLC, COLLECTIVELY DOING BUSINESS
AS DANIELE FAMILY COMPANIES,
RESPONDENTS-RESPONDENTS.
(APPEAL NO. 4.)

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

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 22, 2021. The order denied the motion of petitioner for a preliminary injunction.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

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