

**Scarola Malone & Zubatov, LLP v Andrew Ellner, Lightbox
Capital Mgt., LLC, & Lightbox Ventures, LLC**

Motion No: 2021-00480

Slip Opinion No: 2021 NYSlipOp 63967(U)

Decided on March 30, 2021

Appellate Division, First Department, Motion Decision

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This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

PRESENT: Hon. Judith J. Gische,
 Angela M. Mazzarelli
 Peter H. Moulton
 Saliann Scarpulla,

Justice Presiding,

Justices.

Scarola Malone & Zubatov, LLP,
Plaintiff-Appellant,

Motion No. 2021-00480
Index No. 651324/17
Case No. 2021-00301

-against-

Andrew Ellner, Lightbox Capital
Management, LLC, and Lightbox Ventures,
LLC,

Defendants-Respondents,

Brem Moldovsky, LLC,
Defendant-Appellant.

Defendants-respondents having moved for an order dismissing the appeals taken by plaintiff-appellant and defendant-appellant from an order of the Supreme Court, New York County, entered on or about December 10, 2020 (Case No. 2021-00301), as entirely subsumed in the previously perfected appeals taken from orders of the same court entered on or about July 8, 2019 (Case No. 2019-03384) and on or about December 18, 2019 (Case No. 2020-02530), or in the alternative, directing appellants to perfect their appeals in this case concurrently, and issuing a briefing schedule affording defendants-respondents two months to prepare its two opposition briefs,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied in its entirety (see M-2021-00214/ M-2021-00234, decided simultaneously herewith).

ENTERED: March 30, 2021



Susanna Molina Rojas
Clerk of the Court