

**Combs Wines & Spirits LLC, - v Diageo N. Am., Inc.**

Motion No: 2023-04361

Slip Opinion No: 2023 NY Slip Op 76645(U)

Decided on November 14, 2023

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

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. Barbara R. Kapnick,  
Cynthia S. Kern  
Saliann Scarpulla  
Bahaati E. Pitt-Burke  
John R. Higgitt,

Justice Presiding,

Justices.

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Combs Wines and Spirits LLC,  
Plaintiff-Respondent,

Motion No. **2023-04361**

Index No. 652517/23

Case No. 2023-04943

-against-

Diageo North America, Inc.,  
Defendant-Appellant.

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An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 08, 2023,

And defendant-appellant having moved for a stay of trial court proceedings pending hearing and determination of the aforesaid appeal,

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 granted on the condition that the appeal is perfected for the April 2024 Term of this Court.

ENTERED: November 14, 2023



Susanna Molina Rojas  
Clerk of the Court