

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

1271

CA 08-01819

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

FRANK PARLATO, JR., INDIVIDUALLY AND AS
MANAGER OF ONE NIAGARA, LLC AND AS PRESIDENT
OF WHITESTAR DEVELOPMENT CORP., AND WHITESTAR
DEVELOPMENT CORP., AS MEMBER OF ONE NIAGARA,
LLC, PLAINTIFFS-RESPONDENTS,

V

ORDER

INCREDIBLE INVESTMENTS LIMITED, SHMUEL SHMUELI,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.
(APPEAL NO. 3.)

ZDARSKY SAWICKI & AGOSTINELLI LLP, BUFFALO (JOSEPH E. ZDARSKY OF
COUNSEL), AND LORENZO & COHEN, FOR DEFENDANTS-APPELLANTS.

ROSCETTI & DECASTRO, P.C., NIAGARA FALLS (PAUL A. GRENGA OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

Appeals from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered August 7, 2008. The order granted the motions of defendants-appellants to vacate a preliminary injunction unless plaintiffs posted an undertaking on or before a certain date.

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

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court