

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

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CA 09-01099

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, PINE, AND GORSKI, JJ.

JASON L. SCHMIDT, PLAINTIFF-APPELLANT,

V

ORDER

GREGORY V. LORENZO AND LORENZO
INTERNATIONAL, INC., DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

JASON L. SCHMIDT, PLAINTIFF-APPELLANT PRO SE.

DAMON MOREY LLP, BUFFALO (GREGORY ZINI OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from a decision (denominated decision and order) of the Supreme Court, Chautauqua County (Timothy J. Walker, A.J.), entered May 4, 2009. The decision directed defendants to submit an order with respect to the denial of the motion of plaintiff for summary judgment on the cause of action for unjust enrichment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Pecora v Lawrence*, 28 AD3d 1136, 1137).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court