

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

106

**CA 09-01100**

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

---

JASON L. SCHMIDT, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

GREGORY V. LORENZO AND LORENZO  
INTERNATIONAL, INC., DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 3.)

---

JASON L. SCHMIDT, PLAINTIFF-APPELLANT PRO SE.

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

---

Appeal from an order of the Supreme Court, Chautauqua County  
(Timothy J. Walker, A.J.), entered May 4, 2009. The order, insofar as  
appealed from, denied the motion of plaintiff for summary judgment on  
the cause of action for unjust enrichment.

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

Same Memorandum as in *Schmidt v Lorenzo* ([appeal No. 1] \_\_\_\_ AD3d  
\_\_\_\_ [Feb. 11, 2010]).

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court