

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

835

CA 12-02371

PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND PERADOTTO, JJ.

JONATHAN ABBOTT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

VITO WILLIAM LUCCHETTI, JR., THE MACREPORT.NET, INC., MARCELLUS GROUP, LLC, MARCELLUS GROUP CONSTRUCTION, LLC, JA SPA, LLC, SONO PIZZA & PASTA FACTORY, INC., CROWN MILL RESTORATION DEVELOPMENT, LLC AND MACREPORT.NET MEDIA PUBLISHING, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 1.)

CERIO LAW OFFICES, SYRACUSE (DAVID W. HERKALA OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

KENNY & KENNY, PLLC, SYRACUSE (JUSTIN D. HOWLAND OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 29, 2012. The order, insofar as appealed from, denied in part the motion of defendants to dismiss the amended complaint and denied the motion of defendants for a stay.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same Memorandum as in *Abbott v Lucchetti* ([appeal No. 3] ___ AD3d ___ [Sept. 27, 2013]).

Entered: September 27, 2013

Frances E. Cafarell
Clerk of the Court