

**SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF SCHENECTADY**

THE GAMEOLOGIST GROUP, LLC,

Plaintiff,

v.

NEW YORK DIVISION OF LOTTERY,

Defendant.

Index No. 2010-1246
Case # 46-1-2010-0808

JUDGMENT

WHEREAS, a motion having been made by the defendant, New York Division of Lottery, for an Order pursuant to CPLR Section 3212 granting summary judgment dismissing, with prejudice, the Second Amended Complaint of the plaintiff, The Gameologist Group, LLC, on the ground that no liability for the conduct giving rise to the causes of action alleged in the Second Amended Complaint lawfully exists as against the New York Division of Lottery, and therefore, the claims against same are dismissible as a matter of law;

the defendant having supported its summary judgment motion by filing a Supporting Memorandum of Law, dated July 16, 2014, and Affirmation of Jonathan W. Thomas (containing Exhibits A through T), dated July 16, 2014;

the plaintiff having opposed the summary judgment motion by filing an Opposition Memorandum of Law, dated August 14, 2014, and Affirmation of Jillian L. McNeil (containing Exhibits A through R), dated August 13, 2014;

the defendant having further supported its summary judgment motion by filing a Reply Memorandum of Law, dated September 10, 2014, and Affirmation of Cameron S. Reuber (containing Exhibits A through C), dated September 10, 2014;

said motion having come on to be heard before the Honorable Barry D. Kramer on September 12, 2014, and following oral argument, the motion having been granted pursuant to the Order of the Honorable Barry D. Kramer and attached true copy of the Decision dated September 12, 2014, and made part hereof;

NOW, upon the motion of NEW YORK DIVISION OF LOTTERY by attorney for the defendant, CAMERON S. REUBER of LEASON ELLIS LLP; it is ADJUDGED that the motion of the defendant for summary judgment is hereby GRANTED and, therefore, all claims asserted by plaintiff against defendant in the Second Amended Complaint are dismissed as a matter of law, with prejudice, their its entirety.

Entered this 29 day of April, 2015.



Honorable Barry D. Kramer

CERTIFICATE OF SERVICE

It is hereby certified that, on May 5, 2015, a true and correct copy of the foregoing **JUDGMENT** was served via email and Priority Mail, postage-pre-paid, by placing same into a depository of the United States Post Office, upon the following counsel for Plaintiff The Gameologist Group, LLC:

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