



underlying merits of plaintiff's allegations, because the federal court did reach the merits of the issue in question, namely, whether plaintiff had an alleged injury; and, this question, "actually decided" in the first action, disposes of the present action as well (see *Cartesian Broadcasting Network, Inc. v Robeco USA*, 43 AD3d 311, 312 [1st Dept 2007]). The pleading deficiencies presented in the federal complaint have not been remedied in this case. For example, plaintiff has still not provided a single specific example of a client or prospective client it lost because of defendant's alleged actions.

We have considered plaintiff's remaining contentions, and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JUNE 25, 2020

  
CLERK