

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

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CA 08-01066

PRESENT: SCUDDER, P.J., HURLBUTT, MARTOCHE, GREEN, AND GORSKI, JJ.

STEPHEN E. WEBSTER, PLAINTIFF-APPELLANT,

V

ORDER

TOTAL IDENTITY CORPORATION, ET AL., DEFENDANTS,
PHILIP MISTRETTA, LESLIE W. KERNAN, JR., AND
LACY KATZEN LLP (FORMERLY KNOWN AS LACY, KATZEN,
RYEN & MITTLEMAN, LLP), DEFENDANTS-RESPONDENTS.

EVANS & FOX LLP, ROCHESTER (JARED P. HIRT OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

WOODS OVIATT GILMAN LLP, ROCHESTER (WILLIAM G. BAUER OF COUNSEL), FOR
DEFENDANT-RESPONDENT PHILIP MISTRETTA.

HISCOCK & BARCLAY, LLP, ROCHESTER (TARA J. SCIORTINO OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS LESLIE W. KERNAN, JR., AND LACY KATZEN LLP
(FORMERLY KNOWN AS LACY, KATZEN, RYEN & MITTLEMAN, LLP).

Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered December 7, 2007. The order, among other things, granted the motions of defendants Philip Mistretta, Leslie W. Kernan, Jr., and Lacy Katzen LLP (formerly known as Lacy, Katzen, Ryen & Mittleman, LLP) for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court