

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

**433**

**CA 08-01008**

PRESENT: HURLBUTT, J.P., MARTOCHE, CENTRA, PERADOTTO, AND GORSKI, JJ.

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DANIEL M. CONTI AND DEBRA A. CONTI,  
PLAINTIFFS-APPELLANTS,

V

ORDER

WYOMING COUNTY AND WYOMING COUNTY DEPARTMENT  
OF SOCIAL SERVICES, DEFENDANTS-RESPONDENTS.

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ANGELO T. CALLERI, P.C., ROCHESTER (ANGELO T. CALLERI OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

WEBSTER SZANYI LLP, BUFFALO (MICHAEL S. CERRONE OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Wyoming County  
(Timothy J. Walker, A.J.), entered April 15, 2008 in an action for,  
inter alia, malicious prosecution. The order granted the motion of  
defendants to dismiss the complaint.

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court