

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

**1484**

**CA 09-01477**

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, GREEN, AND GORSKI, JJ.

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DAVID CONNORS, PLAINTIFF-APPELLANT,

V

ORDER

JON E. GRAY, CHRISTINA M. GRAY, GERALD BUSS,  
DIANA BUSS, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.

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HARRIS BEACH PLLC, PITTSFORD (DOUGLAS A. FOSS OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

PHETERSON, STERN, CALABRESE, NEILANS & SPATORICO, LLP, ROCHESTER  
(DERRICK A. SPATORICO OF COUNSEL), FOR DEFENDANTS-RESPONDENTS GERALD  
BUSS AND DIANA BUSS.

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Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered October 15, 2008. The order, insofar as appealed from, denied plaintiff's motion for partial 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: December 30, 2009

Patricia L. Morgan  
Clerk of the Court