

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

**216**

**CA 09-00962**

PRESENT: SCUDDER, P.J., FAHEY, LINDLEY, AND GREEN, JJ.

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STEPHEN J. CORGAN, PLAINTIFF-RESPONDENT,

V

ORDER

THE DIMARCO GROUP, LLC AND 4110 WEST  
RIDGE, LLC, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

CULLEY, MARKS, TANENBAUM & PEZZULO, LLP, ROCHESTER (GLENN E. PEZZULO  
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered December 11, 2008 in a breach of contract action. The order, inter alia, determined that plaintiff is entitled to damages upon the supplemental lease agreement with respect to certain real property following a nonjury trial.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see CPLR 5501 [a] [1]).

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court