

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

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CA 09-00963

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

STEPHEN J. CORGAN, PLAINTIFF-RESPONDENT,

V

ORDER

THE DIMARCO GROUP, LLC AND 4110 WEST
RIDGE, LLC, DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

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.

Appeal from a judgment of the Supreme Court, Monroe County
(Kenneth R. Fisher, J.), entered April 22, 2009 in a breach of
contract action. The judgment awarded damages to plaintiff against
defendants following a nonjury trial.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court