

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

1139

CA 10-00407

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND PINE, JJ.

CAROL A. TONZI, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

RICHARD H. NICHOLS, INDIVIDUALLY AND DOING
BUSINESS AS NICHOLS FINANCIAL SERVICES,
DEFENDANT-APPELLANT-RESPONDENT.
(APPEAL NO. 1.)

UNDERBERG & KESSLER LLP, ROCHESTER (COLIN D. RAMSEY OF COUNSEL), FOR
DEFENDANT-APPELLANT-RESPONDENT.

FOLEY AND FOLEY, PALMYRA (JAMES F. FOLEY OF COUNSEL), FOR
PLAINTIFF-RESPONDENT-APPELLANT.

WILLIAM A. JACOBSON, ITHACA, AMICUS CURIAE IN SUPPORT OF
PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Wayne County (Francis A. Affronti, J.), entered September 4, 2009. The order, among other things, granted in part defendant's motion 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: October 1, 2010

Patricia L. Morgan
Clerk of the Court