

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

1465

CA 10-01464

PRESENT: SCUDDER, P.J., CARNI, LINDLEY, PINE, AND GORSKI, JJ.

MARK L. BENESH AND KATHLEEN B. BENESH,
PLAINTIFFS-APPELLANTS,

V

ORDER

KAREN A. COURTNEY AND ROBERT VERRONE,
DEFENDANTS-RESPONDENTS.

HISCOCK & BARCLAY, LLP, ROCHESTER (SCOTT ROGOFF OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (BRIAN A. MACDONALD OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (Thomas M. Van Strydonck, J.), entered September 11, 2009. The order granted the motion of defendants for summary judgment and dismissed the complaint.

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, 2010

Patricia L. Morgan
Clerk of the Court