

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

1099

**CA 11-00181**

PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

---

IN THE MATTER OF THE APPLICATION OF CITY OF  
ROCHESTER FOR AN "INSPECTION WARRANT" TO INSPECT  
187 CLIFTON STREET, CITY OF ROCHESTER, COUNTY OF  
MONROE, STATE OF NEW YORK.

----- MEMORANDUM AND ORDER  
FLORINE NELSON AND WALTER NELSON, APPELLANTS,

V

CITY OF ROCHESTER, RESPONDENT.  
(APPEAL NO. 1.)

---

DAVIDSON FINK LLP, ROCHESTER (MICHAEL A. BURGER OF COUNSEL), FOR  
APPELLANTS.

JEFFREY EICHNER, ACTING CORPORATION COUNSEL, ROCHESTER (IGOR SHUKOFF  
OF COUNSEL), FOR RESPONDENT.

DIBBLE & MILLER, P.C., ROCHESTER (CRAIG D. CHARTIER OF COUNSEL), FOR  
NEW YORK STATE COALITION OF PROPERTY OWNERS & BUSINESSES, INC., AMICUS  
CURIAE.

---

Appeal from an order of the Supreme Court, Monroe County (Thomas  
A. Stander, J.), entered February 8, 2010. The order denied the  
challenge to Local Law No. 3 of the City of Rochester and ordered a  
hearing on the application for a judicial warrant for inspection.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Same Memorandum as in *Matter of City of Rochester (Cermak)*  
([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Dec. 23, 2011]).

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court