

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

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CA 13-01364

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND SCONIERS, JJ.

DAVID M. AHLERS, ET AL., PLAINTIFFS-APPELLANTS,

V

ORDER

ECOVATION, INC., W. JEROME FRAUTSCHI, W. JEROME FRAUTSCHI LIVING TRUST, PLEASANT T. ROWLAND, PLEASANT T. ROWLAND REVOCABLE TRUST, THE PLEASANT T. ROWLAND FOUNDATION, INC., THE OVERTURE FOUNDATION, INC., DIANE C. CREEL, GEORGE SLOCUM, DAVID CALL, DAVID PATCHEN, CREIGHTON K. (KIM) EARLY, RICHARD KOLLAUF, RITA OBERLE, ROBERT SHEH AND PHILIP STRAWBRIDGE, DEFENDANTS-RESPONDENTS.

DENTONS US LLP, NEW YORK CITY (JONATHAN D. FORSTOT OF COUNSEL), AND WOODS OVIATT GILMAN LLP, ROCHESTER, FOR PLAINTIFFS-APPELLANTS.

DORSEY & WHITNEY LLP, MINNEAPOLIS, MINNESOTA (DAVID Y. TREVOR, OF THE MINNESOTA BAR, ADMITTED PRO HAC VICE, OF COUNSEL), LECLAIR KORONA GIORDANO COLE LLP, ROCHESTER, HODGSON RUSS LLP, BUFFALO, THE WOLFORD LAW FIRM LLP, ROCHESTER, AND PEPPER HAMILTON LLP, PHILADELPHIA, PENNSYLVANIA, FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered May 23, 2013. The order, among other things, granted defendants' cross motions for partial summary judgment and dismissed plaintiffs' fifth cause of action.

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: March 21, 2014

Frances E. Cafarell
Clerk of the Court