

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

**419**

**CA 11-01671**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

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IN THE MATTER OF KEVIN FAGER, THOMAS GILLETT  
AND OTHER PETITIONERS UNITED IN INTEREST,  
PETITIONERS-APPELLANTS,

V

ORDER

BOARD OF EDUCATION, ROCHESTER CITY SCHOOL  
DISTRICT, RESPONDENT-RESPONDENT.

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RICHARD E. CASAGRANDE, LATHAM (JAMES D. BILIK OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

CHARLES G. JOHNSON, ROCHESTER (MICHAEL E. DAVIS OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Monroe County (David Michael Barry, J.), entered November 1, 2010 in a proceeding pursuant to CPLR article 78. The judgment denied and dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: April 20, 2012

Frances E. Cafarell  
Clerk of the Court