

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

**1265**

**CA 17-00466**

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ.

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DONNA HAHER, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

DAVID J. PELUSIO, SR., ALBERT M. PELUSIO,  
ROCHESTER LINOLEUM & CARPET CENTER, INC.,  
AND PELUSIO FAMILY PARTNERS, L.L.C.,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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CULLEY, MARKS, TANENBAUM & PEZZULO, LLP, ROCHESTER (GLENN E. PEZZULO  
OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

ADAMS BELL ADAMS, P.C., ROCHESTER (JARED K. COOK OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered January 25, 2017. The order, inter alia, denied the motion of defendants to suspend certain payments required to be made to plaintiff under the parties' agreement based upon lack of funds.

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

Same memorandum as in *Haher v Pelusio* ([appeal No. 1] \_\_ AD3d \_\_ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court