

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

1327

CA 17-00668

PRESENT: SMITH, J.P., CENTRA, CARNI, CURRAN, AND TROUTMAN, JJ.

LAWRENCE TUZZOLINO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

DIANNE TUZZOLINO, DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

UNDERBERG & KESSLER LLP, ROCHESTER (RONALD G. HULL OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

SUSAN GRAY JONES, CANANDAIGUA, FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (James J. Piampiano, J.), entered July 18, 2016 in a divorce action. The order denied the motion of plaintiff to set aside the parties' written separation agreement of October 30, 2013 and modification agreement of July 7, 2014.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Tuzzolino v Tuzzolino* ([appeal No. 1] ____ AD3d ____ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court