

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

**952.1**

**CA 13-02213**

PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND WHALEN, JJ.

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CHARLES G. MICHAELS AND ELIZABETH MICHAELS,  
PLAINTIFFS-APPELLANTS,

V

ORDER

MATTHEW DRAKE AND CITY OF ROCHESTER,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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WILLIAM P. SMITH, JR., ROCHESTER, FOR PLAINTIFFS-APPELLANTS.

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Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered June 4, 2013. The order dismissed the complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Laborers Intl. Union of N. Am., Local 210, AFL-CIO v Shevlin-Manning, Inc.*, 147 AD2d 977).

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court