

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

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CA 19-00737

PRESENT: SMITH, J.P., PERADOTTO, WINSLOW, BANNISTER, AND DEJOSEPH, JJ.

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ROBERT RISSONE AND DONNA RISSONE,  
PLAINTIFFS-APPELLANTS,

V

ORDER

DAVID FLANIGEN, JOHN P. GIEHL,  
JENNIFER E. FLANIGEN, HARBOR HILL SUBDIVISION  
ASSOCIATION, INC., AND BOARD OF DIRECTORS OF  
HARBOR HILL SUBDIVISION ASSOCIATION, INC.,  
DEFENDANTS-RESPONDENTS.

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LACY KATZEN LLP, ROCHESTER (JOHN T. REFERMAT OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

KENNEY SHELTON LITPAK NOWAK LLP, JAMESVILLE (LAUREN M. MILLER OF  
COUNSEL), FOR DEFENDANT-RESPONDENT DAVID FLANIGEN.

UNDERBERG & KESSLER LLP, ROCHESTER (DAVID M. TANG OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS HARBOR HILL SUBDIVISION ASSOCIATION, INC. AND  
BOARD OF DIRECTORS OF HARBOR HILL.

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Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered February 13, 2019. The order, among other things, granted in part the motion of defendants Harbor Hill Subdivision Association, Inc. and Board of Directors of Harbor Hill Subdivision Association, Inc., for summary judgment, denied plaintiffs' cross motion to amend their complaint, and granted plaintiffs summary judgment on the cause of action for breach of contract.

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

Entered: March 13, 2020

Mark W. Bennett  
Clerk of the Court