

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

**497**

**CA 14-02072**

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ.

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DAVID E. WHITEHOUSE, PLAINTIFF-APPELLANT,

V

ORDER

CINZIA INZINNA AND TIMOTHY WAGNER,  
DEFENDANTS-RESPONDENTS.

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BARRETT GREISBERGER, LLP, WEBSTER (JUSTIN P. ALEXANDER OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

WOODS OVIATT GILMAN LLP, ROCHESTER (JOHN C. NUTTER OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 20, 2014. The order, among other things, denied the motion of plaintiff for summary judgment in lieu of complaint.

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

Entered: May 1, 2015

Frances E. Cafarell  
Clerk of the Court