

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

1457

CA 09-00329

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

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STEPHEN SZCZESNIAK AND MARGARET SZCZESNIAK,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

MARK WHITFORD, DEFENDANT-APPELLANT,  
AND MARK HAWKINS, DEFENDANT-RESPONDENT.

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LAW OFFICES OF EPSTEIN & HARTFORD, NORTH SYRACUSE (SHEILA FINN  
SCHWEDES OF COUNSEL), FOR DEFENDANT-APPELLANT.

MERKEL & MERKEL, ROCHESTER (DAVID A. MERKEL OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

TREVETT CRISTO SALZER & ANDOLINA, P.C., ROCHESTER (CHRISTOPHER  
PUSATERI OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Livingston County  
(Dennis S. Cohen, A.J.), entered July 21, 2008. The order, insofar as  
appealed from, denied the motion of defendant Mark Whitford for  
summary judgment.

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: December 30, 2009

Patricia L. Morgan  
Clerk of the Court