

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

594

CA 11-01299

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, AND LINDLEY, JJ.

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IN THE MATTER OF THE APPLICATION OF WILLIAM  
HOGE, PETITIONER-APPELLANT, FOR THE DISSOLUTION  
OF SELECT FABRICATORS, INC.;  
SELECT FABRICATORS, INC., GARY W. WINCH, AND  
DAVID YEARSLEY, RESPONDENTS-RESPONDENTS.

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SELECT FABRICATORS, INC., PLAINTIFF,

ORDER

V

WILLIAM HOGE AND WILLIAM HOGE CONSULTING, INC.,  
DEFENDANTS-APPELLANTS.

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WILLIAM S. ROBY, ROCHESTER, FOR PETITIONER-APPELLANT AND  
DEFENDANTS-APPELLANTS.

JASON S. DIPONZIO, ROCHESTER, FOR RESPONDENTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Ontario County  
(Kenneth R. Fisher, J.), entered April 27, 2011. The order denied  
petitioner's motion to reargue his opposition to respondents' motion  
for partial summary judgment seeking the dismissal of his  
"counterclaims."

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984).

Entered: June 8, 2012

Frances E. Cafarell  
Clerk of the Court