

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

693

CA 11-02099

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, SCONIERS, AND MARTOCHE, JJ.

---

PHILIP D. RUPERT, JR., PLAINTIFF-APPELLANT,

V

ORDER

GATES & ADAMS, P.C., DOUGLAS S. GATES,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

---

ALFRED P. KREMER, ROCHESTER, FOR PLAINTIFF-APPELLANT.

HISCOCK & BARCLAY, LLP, SYRACUSE (ROBERT A. BARRER OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

---

Appeal from an order of the Supreme Court, Monroe County (James P. Murphy, J.), entered October 5, 2011. The order granted the motion of defendants for summary judgment and dismissed the amended complaint.

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

Entered: June 8, 2012

Frances E. Cafarell  
Clerk of the Court