

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

1150

CA 14-02065

PRESENT: SMITH, J.P., PERADOTTO, CARNI, WHALEN, AND DEJOSEPH, JJ.

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JAMES J. SMISLOFF, PLAINTIFF-RESPONDENT,

V

ORDER

DAVID P. STOTT, JR., 1390 PITTSFORD-MENDON  
ROAD, LLC, AND NORTHCOAST WINDOW CLEANING LIMITED  
LIABILITY COMPANY, DEFENDANTS-APPELLANTS.

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DAVID P. STOTT, JR., AND 1390 PITTSFORD-MENDON  
ROAD, LLC, THIRD-PARTY PLAINTIFFS-APPELLANTS,

V

GREGG SMISLOFF, THIRD-PARTY DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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ELLIOTT STERN CALABRESE, LLP, ROCHESTER (DAVID S. STERN OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS AND THIRD-PARTY PLAINTIFFS-APPELLANTS.

LECLAIR KORONA GIORDANO COLE LLP, ROCHESTER (JEREMY M. SHER OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT AND THIRD-PARTY DEFENDANT-  
RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Kenneth  
R. Fisher, J.), entered August 14, 2014. The order, inter alia,  
dismissed defendants' counterclaims and dismissed the third-party  
complaint.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;  
*Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see*  
*also CPLR 5501 [a] [1]*).

Entered: November 20, 2015

Frances E. Cafarell  
Clerk of the Court