

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

1143

CA 12-00062

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND VALENTINO, JJ.

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KAREN MCGRATH AND STEVEN FOLEY,  
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN OF IRONDEQUOIT, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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LIPPMAN O'CONNOR, BUFFALO (GERARD E. O'CONNOR OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

MICHAEL J. TUOHEY, ROCHESTER, FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered October 12, 2011. The order granted the motion of plaintiffs for leave to amend the complaint.

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

Same Memorandum as in *McGrath v Town of Irondequoit* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Nov. 16, 2012]).

Entered: November 16, 2012

Frances E. Cafarell  
Clerk of the Court