

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

**782**

**CA 14-01844**

PRESENT: SCUDDER, P.J., SMITH, SCONIERS, VALENTINO, AND DEJOSEPH, JJ.

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CAROL DURNEY, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

PETER J. MCQUILLEN, JUDITH M. MCQUILLEN,  
DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.

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KNAUF SHAW LLP, ROCHESTER (AMY K. KENDALL OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

BONARIGO & MCCUTCHEON, BATAVIA (KRISTIE L. DEFREZE OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 6, 2014. The order, inter alia, granted in part the motion of defendants Peter J. McQuillen and Judith M. McQuillen for summary judgment.

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

Memorandum: Plaintiff appeals from an order that, inter alia, granted in part the motion for summary judgment of defendants Peter J. McQuillen and Judith M. McQuillen. We affirm for reasons stated in the "decision and order" of Supreme Court, and we write only to note that, under the circumstances presented, we decline to search the record to reach issues raised by defendants, who did not cross-appeal from the order (*see Ginter v Flushing Terrace, LLC*, 121 AD3d 840, 845; *New York Univ. Hosp. Rusk Inst. v Government Empls. Ins. Co.*, 39 AD3d 832, 833).

Entered: June 12, 2015

Frances E. Cafarell  
Clerk of the Court