

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

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CA 21-01442

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND NEMOYER, JJ.

IN THE MATTER OF SAVE MONROE AVE,, INC.,
2900 MONROE AVE., LLC, CLIFFORDS OF
PITTSFORD, L.P., ELEXCO LAND SERVICES,
INC., JULIA D. KOPP, MARK BOYLAN, ANNE
BOYLAN AND STEVEN M. DEPERRIOR,
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
ET AL., RESPONDENTS,
DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC,
MUCCA MUCCA, LLC, MARDANTH ENTERPRISES, INC.,
M&F, LLC, THE DANIELE FAMILY COMPANIES, TOWN
OF BRIGHTON AND TOWN BOARD OF TOWN OF
BRIGHTON, RESPONDENTS-RESPONDENTS.
(APPEAL NO. 8.)

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC,
MUCCA MUCCA, LLC, MARDANTH ENTERPRISES, INC., M&F, LLC, AND THE
DANIELE FAMILY COMPANIES.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS TOWN OF BRIGHTON AND TOWN BOARD OF TOWN OF
BRIGHTON.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 9, 2021. The order denied the motion of petitioners for a preliminary injunction.

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

Same memorandum as in *Matter of Brighton Grassroots, LLC v Town of Brighton Planning Bd.* ([appeal No. 1] – AD3d – [Sept. 30, 2022] [4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court