

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

**942**

**CA 23-00103**

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, NOWAK, AND DELCONTE, JJ.

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IN THE MATTER OF KERRI W.S., PSYD., AND  
CARL J.S., JR., J.D., MA, INDIVIDUALLY AND ON  
BEHALF OF THEIR MINOR SON, T.S.,  
PETITIONERS-APPELLANTS,

V

ORDER

HOWARD ZUCKER, IN HIS OFFICIAL CAPACITY AS  
COMMISSIONER OF HEALTH FOR STATE OF NEW YORK,  
NEW YORK STATE DEPARTMENT OF HEALTH, MARK FRENZEL,  
IN HIS OFFICIAL CAPACITY AS PRINCIPAL OF MONROE  
ONE BOCES, FAIRPORT, AND MONROE ONE BOCES,  
FAIRPORT, RESPONDENTS-RESPONDENTS.

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PATRICIA FINN ATTORNEY, P.C., NANUET (PATRICIA FINN OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (DUSTIN J. BROCKNER OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS HOWARD ZUCKER, IN HIS OFFICIAL  
CAPACITY AS COMMISSIONER OF HEALTH FOR STATE OF NEW YORK, AND NEW YORK  
STATE DEPARTMENT OF HEALTH.

HARRIS BEACH PLLC, PITTSFORD (JOSHUA D. STEELE OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS MARK FRENZEL, IN HIS OFFICIAL CAPACITY AS  
PRINCIPAL OF MONROE ONE BOCES, FAIRPORT, AND MONROE ONE BOCES,  
FAIRPORT.

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Appeal from a judgment of the Supreme Court, Yates County (Daniel  
J. Doyle, J.), entered January 3, 2023, in a proceeding pursuant to  
CPLR article 78. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: December 22, 2023

Ann Dillon Flynn  
Clerk of the Court