

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

**897**

**CA 20-01663**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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MICHAEL PREASTER, PLAINTIFF-APPELLANT,

V

ORDER

JOSEPHINE BIRINGANINE AND RUNYEMURA MUGINGI,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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THE RUSSELL FRIEDMAN LAW GROUP, LLP, ROCHESTER (RON F. WRIGHT OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

LAW OFFICE OF KEITH D. MILLER, LIVERPOOL (KEITH D. MILLER OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County  
(Gerard J. Neri, J.), entered October 7, 2020. The order denied  
plaintiff's motion insofar as it sought leave to renew plaintiff's  
opposition to defendants' motion to dismiss the complaint, granted  
plaintiff's motion insofar as it sought leave to reargue and, upon  
reargument, adhered to the prior order granting defendants' motion and  
dismissing the complaint.

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

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court