

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

**44**

**CA 21-00402**

PRESENT: CENTRA, J.P., NEMOYER, CURRAN, AND BANNISTER, JJ.

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IN THE MATTER OF BERNICE CURRY-MALCOLM,  
PETITIONER-APPELLANT,

V

ORDER

NEW YORK STATE TEACHERS' RETIREMENT SYSTEM,  
RESPONDENT,  
HONEOYE FALLS-LIMA CENTRAL SCHOOL DISTRICT,  
RUSH-HENRIETTA CENTRAL SCHOOL DISTRICT,  
ROCHESTER CITY SCHOOL DISTRICT, ASSOCIATION  
OF SUPERVISORS AND ADMINISTRATORS OF  
ROCHESTER, AND BROWN HUTCHINSON LLP,  
RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 1.)

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BERNICE CURRY-MALCOLM, PETITIONER-APPELLANT PRO SE.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (DUSTIN J. BROCKNER OF  
COUNSEL), FOR RESPONDENT NEW YORK STATE TEACHERS' RETIREMENT SYSTEM.

FERRARA, FIORENZA PC, EAST SYRACUSE (MILES G. LAWLOR OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS HONEOYE FALLS-LIMA CENTRAL SCHOOL DISTRICT AND  
RUSH-HENRIETTA CENTRAL SCHOOL DISTRICT.

STEVEN G. CARLING, ACTING GENERAL COUNSEL, ROCHESTER CITY SCHOOL  
DISTRICT, ROCHESTER (ALISON K.L. MOYER OF COUNSEL), FOR  
RESPONDENT-RESPONDENT ROCHESTER CITY SCHOOL DISTRICT.

ARTHUR P. SCHEUERMANN, GENERAL COUNSEL, SCHOOL ADMINISTRATORS  
ASSOCIATION OF NEW YORK STATE, LATHAM (JENNIFER L. CARLSON OF  
COUNSEL), FOR RESPONDENT-RESPONDENT ASSOCIATION OF SUPERVISORS AND  
ADMINISTRATORS OF ROCHESTER.

BROWN HUTCHINSON LLP, ROCHESTER (KIMBERLY CAMPBELL OF COUNSEL), FOR  
RESPONDENT-RESPONDENT BROWN HUTCHINSON LLP.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Monroe County (Gail Donofrio, J.), entered August 4,  
2020 in a proceeding pursuant to CPLR article 78. The judgment, among  
other things, granted the pre-answer motions to dismiss the petition  
brought by respondents Honeoye Falls-Lima Central School District,  
Rush-Henrietta Central School District, Rochester City School  
District, Association of Supervisors and Administrators of Rochester,  
and Brown Hutchinson LLP.

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: February 4, 2022

Ann Dillon Flynn  
Clerk of the Court