

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

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CA 21-00346

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

IN THE MATTER OF BRIGHTON GRASSROOTS, LLC,
PETITIONER-PLAINTIFF-APPELLANT,

V

ORDER

TOWN OF BRIGHTON PLANNING BOARD, TOWN OF
BRIGHTON TOWN BOARD, TOWN OF BRIGHTON,
M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC,
MARDANTH ENTERPRISES, INC., DANIELE
MANAGEMENT, LLC, COLLECTIVELY DOING BUSINESS
AS DANIELE FAMILY COMPANIES,
RESPONDENTS-DEFENDANTS-RESPONDENTS,
ET AL., RESPONDENTS-DEFENDANTS.

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR
PETITIONER-PLAINTIFF-APPELLANT.

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

WOODS OVIATT GILMAN LLP, ROCHESTER (JOHN C. NUTTER OF COUNSEL), FOR
RESPONDENTS-DEFENDANTS-RESPONDENTS M&F, LLC, DANIELE SPC, LLC, MUCCA
MUCCA LLC, MARDANTH ENTERPRISES, INC., AND DANIELE MANAGEMENT, LLC,
COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY COMPANIES.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered February 4, 2021. Petitioner-plaintiff "appeals from that part of the . . . [o]rder that did not enjoin the Town of Brighton from issuing any more permits/certificates until the traffic mitigation measures were complete."

It is hereby ORDERED that said appeal is unanimously dismissed without costs as moot (see e.g. *Matter of Hool v Collins*, 34 NY2d 617, 617 [1974]; *Matter of Samantha WW. v Gerald XX.*, 107 AD3d 1313, 1315 [3d Dept 2013]; *Matter of Harper v Fischer*, 67 AD3d 1279, 1280 n [3d Dept 2009]).

Entered: March 11, 2022

Ann Dillon Flynn
Clerk of the Court