

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

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**CA 24-01166**

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, DELCONTE, AND HANNAH, JJ.

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DAKOTA PREVOST, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ASSOCIATED MATERIALS, LLC, ET AL., DEFENDANTS,  
AND CREEKSIDE RENOVATIONS, LLC, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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KENNY & KENNY, PLLC, SYRACUSE (HEIDI M.P. HYSELL OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (JAMES J. GASCON OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a "letter decision and order" of the Supreme Court,  
Onondaga County (Robert E. Antonacci, II, J.), entered January 26,  
2024. The "letter decision and order" denied plaintiff's motion for,  
inter alia, partial summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same memorandum as in *Prevost v Associated Materials, LLC*  
([appeal No. 1] - AD3d - [June 6, 2025] [4th Dept 2025]).

Entered: June 6, 2025

Ann Dillon Flynn  
Clerk of the Court