

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

**787**

**CA 14-02268**

PRESENT: SCUDDER, P.J., SCONIERS, VALENTINO, AND DEJOSEPH, JJ.

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TODD D. COOK AND LAURA L. COOK,  
PLAINTIFFS-APPELLANTS-RESPONDENTS,

V

ORDER

SUSAN E. HILL, AS TRUSTEE OF THE SUSAN E. HILL REVOCABLE LIVING TRUST, CURTISS R. HILL, AS TRUSTEE OF THE CURTISS R. HILL REVOCABLE LIVING TRUST, MARC J. HAAS, BETSEY K. HASS, TIMOTHY D. FOURNIER, SUSAN A. FOURNIER, PATRICIA R. DAVIS, RICHARD K. WHITMORE, AS TRUSTEE OF THE YVONNE S. WHITMORE QUALIFIED PERSONAL RESIDENCE TRUST (CANANDAIGUA) U/A DATED AUGUST 1, 2005, ROBERT URLAUB, THOMAS URLAUB, ALLISON DIMARCO, AS CO-TRUSTEES OF THE LOWELL B. URLAUB AND MARY B. URLAUB TRUST U/A DATED DECEMBER 31, 2012, BRUCE D. PATT, TRUDIE A. KIRSHNER, MARGARET D. ALDRIDGE, SUSAN W. LOWELL, THEODORE L. LENZ, BELINDA A. LENZ, GEORGE W. KARPUS, KATHLEEN P. KARPUS, THEODORE G. LENZ AND KAREN B. LENZ, DEFENDANTS-RESPONDENTS-APPELLANTS, ET AL., DEFENDANTS.

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HARTER SECREST & EMERY LLP, ROCHESTER (JERAULD E. BRYDGES OF COUNSEL),  
FOR PLAINTIFFS-APPELLANTS-RESPONDENTS.

BOND, SCHOENECK & KING, PLLC, ROCHESTER (KARL S. ESSLER OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS-APPELLANTS.

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Appeal and cross appeal from an order of the Supreme Court, Ontario County (William F. Kocher, A.J.), entered October 15, 2014. The order, inter alia, denied the motion of plaintiffs and the cross motion of defendants-respondents for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed for reasons stated in the decision at Supreme Court.

Entered: June 12, 2015

Frances E. Cafarell  
Clerk of the Court