

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

1336

CA 17-00055

PRESENT: SMITH, J.P., CENTRA, CARNI, CURRAN, AND TROUTMAN, JJ.

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STEPHEN T. DIVITO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

SHANNON B. MEEGAN, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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FRANK A. ALOI, ROCHESTER, FOR PLAINTIFF-APPELLANT.

THE GLENNON LAW FIRM, P.C., ROCHESTER (PETER J. GLENNON OF COUNSEL),  
FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered August 4, 2016. The order, among other things, granted defendant's motion to dismiss the complaint.

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

Same memorandum as in *Divito v Meegan* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Dec. 22, 2017]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court