

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

521

CA 21-00103

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, AND WINSLOW, JJ.

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IN THE MATTER OF DP FULLER FAMILY LP,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

CITY OF CANANDAIGUA, BOARD OF ASSESSMENT REVIEW  
FOR CITY OF CANANDAIGUA, RESPONDENTS-RESPONDENTS,  
ET AL., RESPONDENT.  
(APPEAL NO. 2.)

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BIERSDORF & ASSOCIATES, P.A., MINNEAPOLIS, MINNESOTA (RYAN R. SIMATIC  
OF COUNSEL), FOR PETITIONER-APPELLANT.

BOYLAN CODE, LLP, ROCHESTER (J. MICHAEL WOOD OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme Court, Ontario County (Gail Donofrio, J.), entered December 8, 2020 in a proceeding pursuant to RPTL article 7. The order and judgment, inter alia, granted the motion of respondents City of Canandaigua and Board of Assessment Review for the City of Canandaigua to dismiss the petition and dismissed the petition.

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

Same memorandum as in *Matter of DP Fuller Family LP v City of Canandaigua* ([appeal No. 1] – AD3d – [July 8, 2022] [4th Dept 2022]).

Entered: July 8, 2022

Ann Dillon Flynn  
Clerk of the Court