

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

**423**

**CA 17-01772**

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, CARNI, AND DEJOSEPH, JJ.

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BARBARA A. DELAUS, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

MONROE COUNTY, COUNTY OF MONROE INDUSTRIAL  
DEVELOPMENT AGENCY, MONROE NEWPOWER CORPORATION,  
TOWN OF BRIGHTON, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.

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THE ZOGHLIN GROUP, PLLC, ROCHESTER (JACOB H. ZOGHLIN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

MICHAEL E. DAVIS, COUNTY ATTORNEY, ROCHESTER (MATTHEW D. BROWN OF  
COUNSEL), FOR DEFENDANT-RESPONDENT MONROE COUNTY.

HARRIS BEACH PLLC, PITTSFORD (NICHOLAS C. ROBERTS OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY  
AND MONROE NEWPOWER CORPORATION.

GORDON & SCHAAL, LLP, ROCHESTER (KENNETH W. GORDON OF COUNSEL), FOR  
DEFENDANT-RESPONDENT TOWN OF BRIGHTON.

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Appeal from an order of the Supreme Court, Monroe County (Debra  
A. Martin, A.J.), entered December 19, 2016. The order granted the  
respective motions of defendants-respondents to dismiss the amended  
complaint against them.

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

Entered: June 8, 2018

Mark W. Bennett  
Clerk of the Court