

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

**1077**

**CA 15-00316**

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ.

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THE VALLEY CADILLAC CORP., PLAINTIFF-RESPONDENT,

V

ORDER

DAVID G. HOFFMAN, DEFENDANT-APPELLANT.

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ELLIOTT STERN CALABRESE, LLP, ROCHESTER (DAVID S. STERN OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

HARTER SECREST & EMERY LLP, ROCHESTER (MAURA MCGUIRE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered April 15, 2014. The order and judgment, among other things, granted in part plaintiff's motion for summary judgment.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: November 20, 2015

Frances E. Cafarell  
Clerk of the Court