

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

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**CA 15-00048**

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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FAYE M. EATON, PLAINTIFF-APPELLANT,  
ET AL., PLAINTIFFS,

V

ORDER

SYLVIA HUNGERFORD, INDIVIDUALLY AND AS SPECIAL EDUCATION TEACHER OF WAYNE CENTRAL SCHOOL DISTRICT, WAYNE CENTRAL SCHOOL DISTRICT, BOARD OF EDUCATION OF WAYNE CENTRAL SCHOOL DISTRICT, FRANK ROBUSTO, INDIVIDUALLY AND AS PRESIDENT OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, JOYCE LYKE, INDIVIDUALLY AND AS VICE PRESIDENT OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, JOHN TRIOU, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, RICHARD JOHNSON, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, JEFF SCHULTZ, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, SCOTT GRISWOLD, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, MARK WYSE, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, SUSAN NEWMAN, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, TOM NICHOLSON, INDIVIDUALLY AND AS MEMBER OF WAYNE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, ROBERT ARMOCIDA, INDIVIDUALLY AND AS WAYNE CENTRAL SCHOOL DISTRICT MIDDLE SCHOOL PRINCIPAL, MICHAEL HAVENS, INDIVIDUALLY AND AS WAYNE CENTRAL SCHOOL DISTRICT SUPERINTENDENT, AND MARK CALLAHAN, INDIVIDUALLY AND AS WAYNE CENTRAL SCHOOL DISTRICT DIRECTOR OF HUMAN RESOURCES, DEFENDANTS-RESPONDENTS.

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LAW OFFICE OF EMMELYN LOGAN-BALDWIN, ROCHESTER (EMMELYN LOGAN-BALDWIN OF COUNSEL), FOR PLAINTIFF-APPELLANT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (EDWARD J. SMITH, III, OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered August 11, 2014. The order granted defendants'

motion for summary judgment dismissing plaintiffs' complaint.

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

Entered: March 18, 2016

Frances E. Cafarell  
Clerk of the Court