

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

905

CA 15-02008

PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

CAROLYN MERRILL, CPA, PLAINTIFF-RESPONDENT,

V

ORDER

ROMEO'S RESTAURANT OF ROCHESTER, INC.,
DEFENDANT-APPELLANT.

THOMAS J. RZEPKA, ROCHESTER, FOR DEFENDANT-APPELLANT.

JAECKLE, FLEISCHMANN & MUGEL, LLP, BUFFALO (CHARLES C. SWANEKAMP OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered July 21, 2015. The order and judgment dismissed with prejudice any and all counterclaims asserted against plaintiff.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see GMAC Mtge., LLC v Guccione*, 127 AD3d 1136, 1137; *Page v Watson*, 304 AD2d 382, 382; *Brannigan v Dubuque*, 199 AD2d 851, 851-852).

Entered: November 10, 2016

Frances E. Cafarell
Clerk of the Court