

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

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CA 17-01456

PRESENT: SMITH, J.P., CENTRA, CARNI, DEJOSEPH, AND WINSLOW, JJ.

RICHARD INFARINATO, PLAINTIFF-APPELLANT,

V

ORDER

ROCHESTER TELEPHONE CORPORATION, ET AL.,
DEFENDANTS,
AND FRONTIER TELEPHONE OF ROCHESTER, INC.,
AS SUCCESSOR IN INTEREST TO ROCHESTER TELEPHONE
CORPORATION, DEFENDANT-RESPONDENT.

CHENEY & BLAIR, LLP, GENEVA (DAVID D. BENZ OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

THE GLENNON LAW FIRM, P.C., ROCHESTER (PETER J. GLENNON OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from a decision of the Supreme Court, Monroe County
(Matthew A. Rosenbaum, J.), entered October 20, 2016. The decision,
inter alia, denied the motion of plaintiff for partial summary
judgment on the first and second causes of action.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (see *Kuhn v Kuhn*, 129 AD2d 967, 967 [4th Dept 1987]; see
also CPLR 5701 [a] [2] [iv]).

Entered: February 2, 2018

Mark W. Bennett
Clerk of the Court