

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

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**CA 17-01299**

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ.

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DAVID THUMAN, JR., PLAINTIFF-RESPONDENT,

V

ORDER

JILL DEMARTINO, DEFENDANT-APPELLANT.

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KNAUF SHAW LLP, ROCHESTER (DWIGHT E. KANYUCK OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

STAMM LAW FIRM, WILLIAMSVILLE (BRIAN G. STAMM OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered September 9, 2016. The order denied defendant's motion for summary judgment on her counterclaims and granted plaintiff's "cross motion for summary judgment and motion to dismiss" the counterclaims.

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

Entered: February 2, 2018

Mark W. Bennett  
Clerk of the Court