

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

**772**

**CA 18-00216**

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, AND DEJOSEPH, JJ.

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RICHARD BIANCHI, ANGELO BIANCHI AND JOSEPH  
ERRIGO, PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

MIDTOWN REPORTING SERVICE, INC., DOING BUSINESS  
AS MIDTOWN REPORTING SERVICE, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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ERNSTROM & DRESTE, LLP, ROCHESTER (TIMOTHY D. BOLDT OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

SCHIANO LAW OFFICE, P.C., ROCHESTER (CHARLES A. SCHIANO, SR., OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), dated June 13, 2017. The order vacated a statement for judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Bianchi v Midtown Reporting Serv., Inc.*, ([appeal No. 1] - AD3d - [June 29, 2018] [4th Dept 2018]).

Entered: June 29, 2018

Mark W. Bennett  
Clerk of the Court