

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

**314**

**CA 20-00845**

PRESENT: SMITH, J.P., CARNI, LINDLEY, TROUTMAN, AND BANNISTER, JJ.

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JAMES W. RAND, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

FINGER LAKES PREMIER PROPERTIES, INC., DAVID  
BINKOWSKI, KAREN BINKOWSKI, STEVEN BINKOWSKI,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 2.)

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MARK D. GORIS, CAZENOVIA, FOR DEFENDANTS-APPELLANTS.

HANDELMAN, WITKOWICZ & LEVITSKY, LLP, ROCHESTER (MARTIN S. HANDELMAN  
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Yates County (Jason L. Cook, A.J.), entered March 16, 2020. The order denied the motion of defendants Finger Lakes Premier Properties, Inc., David Binkowski, Karen Binkowski and Steven Binkowski for summary judgment dismissing the amended complaint against them.

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

Same memorandum as in *Rand v Finger Lakes Premier Props., Inc.* ([appeal No. 1] – AD3d – [Oct. 8, 2021] [4th Dept 2021]).

Entered: October 8, 2021

Ann Dillon Flynn  
Clerk of the Court