

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

**1011**

**CA 21-01367**

PRESENT: WHALEN, P.J., SMITH, LINDLEY, BANNISTER, AND MONTOUR, JJ.

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WILLIAM DALY, PLAINTIFF-RESPONDENT,

V

ORDER

AJ COSTELLO GROUP, LLC, ET AL., DEFENDANTS,  
ANTHONY J. COSTELLO & SON DEVELOPMENT, LLC, AND  
ANTHONY J. COSTELLO & SON (JOSEPH) DEVELOPMENT, LLC,  
DEFENDANTS-APPELLANTS.

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BOND, SCHOENECK & KING, PLLC, ROCHESTER (CURTIS A. JOHNSON OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

UNDERBERG & KESSLER LLP, ROCHESTER (RYAN T. BIESENBACH OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 27, 2021. The order granted the motion of plaintiff insofar as it sought summary judgment on liability against defendants Anthony J. Costello & Son Development, LLC, and Anthony J. Costello & Son (Joseph) Development, LLC.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: December 23, 2022

Ann Dillon Flynn  
Clerk of the Court