

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

721

CA 23-00449

PRESENT: SMITH, J.P., CURRAN, BANNISTER, OGDEN, AND NOWAK, JJ.

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DELINA D. CALHOUN, PLAINTIFF-APPELLANT,

V

ORDER

SHERONDA M. MACLIN, ET AL., DEFENDANTS,  
AND JUSTIN B. KIMBALL, DEFENDANT-RESPONDENT.

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WILLIAM MATTAR, P.C., ROCHESTER (AARON M. ADOFF OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

LAW OFFICE OF DANIEL R. ARCHILLA, BUFFALO (MARTHA E. DONOVAN OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered February 9, 2023. The order and judgment granted the motion of defendant Justin B. Kendall, sued as Justin B. Kimball, for summary judgment dismissing the complaint against him.

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

Entered: September 29, 2023

Ann Dillon Flynn  
Clerk of the Court