

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

**1352**

**CA 17-00310**

PRESENT: WHALEN, P.J., PERADOTTO, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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TERRI A. MCDONALD, PLAINTIFF-APPELLANT,

V

ORDER

WHITNEY HIGHLAND HOMEOWNERS' ASSOCIATION, INC.,  
AND CROFTON ASSOCIATES, INC.,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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LAW OFFICE OF FRANK G. MONTEMALO, PLLC, ROCHESTER (FRANK G. MONTEMALO  
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

OSBORN, REED & BURKE, LLP, ROCHESTER (AIMEE LAFEVER KOCH OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered September 22, 2016. The order, *inter alia*, granted the motion of defendants to the extent it sought dismissal of the complaint.

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: February 9, 2018

Mark W. Bennett  
Clerk of the Court