

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

**1004**

**CA 19-02370**

PRESENT: CARNI, J.P., CURRAN, WINSLOW, AND DEJOSEPH, JJ.

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IN THE MATTER OF RIEDMAN ACQUISITIONS, LLC  
AND RYAN HOMES, INC.,  
PETITIONERS-PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN BOARD OF TOWN OF MENDON,  
RESPONDENT-DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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SHELDON W. BOYCE, JR., TOWN ATTORNEY, ROCHESTER (DAVID C. SIELING OF  
COUNSEL), FOR RESPONDENT-DEFENDANT-APPELLANT.

FORSYTH, HOWE, O'DWYER, KALB & MURPHY, P.C., ROCHESTER (ROBERT B.  
KOEGL OF COUNSEL), FOR PETITIONERS-PLAINTIFFS-RESPONDENTS.

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Appeal from a supplemental judgment (denominated supplemental order and judgment) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered August 14, 2019 in a proceeding pursuant to CPLR article 78 and declaratory judgment action. The supplemental judgment, insofar as appealed from, awarded petitioners attorneys' fees.

It is hereby ORDERED that the supplemental judgment insofar as appealed from is unanimously reversed on the law without costs and the award of attorneys' fees is vacated.

Same memorandum as in *Matter of Riedman Acquisitions, LLC v Town Bd. of Town of Mendon* ([appeal No. 1] – AD3d – [May 7, 2021] [4th Dept 2021]).

Entered: May 7, 2021

Mark W. Bennett  
Clerk of the Court