

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

565

CA 23-00957

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, GREENWOOD, AND KEANE, JJ.

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BL DOE 7, PLAINTIFF-RESPONDENT,

V

ORDER

EDWIN D. FLEMING, DEFENDANT,  
AND ROCHESTER CITY SCHOOL DISTRICT,  
DEFENDANT-APPELLANT.

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FERRARA FIORENZA PC, EAST SYRACUSE (RYAN L. MCCARTHY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

BANSBACH LAW P.C., ROCHESTER (JOHN M. BANSBACH OF COUNSEL), AND  
O'BRIEN & FORD, BUFFALO, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Charles A. Schiano, Jr., J.), entered May 26, 2023. The order and judgment, inter alia, denied in part the motion of defendant Rochester City School District for summary judgment dismissing the complaint against it.

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

Entered: September 27, 2024

Ann Dillon Flynn  
Clerk of the Court