

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

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CA 09-00648

PRESENT: HURLBUTT, J.P., CENTRA, PINE, AND GORSKI, JJ.

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ROBERT J. RAY, PLAINTIFF-APPELLANT,

V

ORDER

NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION  
AND PAUL KELLY, EXECUTIVE DIRECTOR OF THE  
NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION,  
DEFENDANTS-RESPONDENTS.

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GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C., BUFFALO (DAVID H. ELIBOL OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

LEVY RATNER, P.C., NEW YORK CITY (DANIEL ENGELSTEIN OF COUNSEL), AND  
CREIGHTON, PEARCE, JOHNSEN & GIROUX, BUFFALO, FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (John M.  
Curran, J.), entered September 25, 2008. The order granted the motion  
of defendants to dismiss the complaint.

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

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court