

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

808

CA 11-00214

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND SCONIERS, JJ.

COUNTY OF ERIE, PLAINTIFF-RESPONDENT,

V

ORDER

GATEWAY-LONGVIEW, INC., DEFENDANT-APPELLANT,
ET AL., DEFENDANT.

CARTER, CONBOY, CASE, BLACKMORE, MALONEY & LAIRD, P.C., ALBANY
(WILLIAM J. DECAIRE OF COUNSEL), FOR DEFENDANT-APPELLANT.

MARTIN A. POLOWY, ACTING COUNTY ATTORNEY, BUFFALO (DAVID J. SLEIGHT OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J.), entered May 3, 2010 in a declaratory judgment action. The order denied the motion of defendant Gateway-Longview, Inc. to dismiss 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: June 10, 2011

Patricia L. Morgan
Clerk of the Court