

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

602

CA 13-02034

PRESENT: SCUDDER, P.J., CENTRA, CARNI, AND LINDLEY, JJ.

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DIPIZIO CONSTRUCTION COMPANY, INC.,  
PLAINTIFF-PETITIONER-RESPONDENT,

V

ORDER

ERIE CANAL HARBOR DEVELOPMENT CORPORATION,  
DEFENDANT-RESPONDENT-APPELLANT.  
(APPEAL NO. 3.)

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PHILLIPS LYTTLE LLP, BUFFALO (KENNETH A. MANNING OF COUNSEL), FOR  
DEFENDANT-RESPONDENT-APPELLANT.

HISCOCK & BARCLAY, LLP, BUFFALO (MICHAEL E. FERDMAN OF COUNSEL), FOR  
PLAINTIFF-PETITIONER-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered November 4, 2013. The amended order granted the motion of plaintiff-petitioner for partial summary judgment and denied the cross motion of defendant-respondent for partial summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Kolasz v Levitt*, 63 AD2d 777, 779).

Entered: August 8, 2014

Frances E. Cafarell  
Clerk of the Court