

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

1334

CA 17-00434

PRESENT: SMITH, J.P., CENTRA, CARNI, CURRAN, AND TROUTMAN, JJ.

BOARD OF EDUCATION OF PALMYRA-MACEDON CENTRAL
SCHOOL DISTRICT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

FLOWER CITY GLASS CO., INC., FLOWER CITY GLASS
ASSOCIATES, LLC, FLOWER CITY GLASS CO. OF NEW
YORK, LLC, FLOWER CITY GLASS,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

OSBORN, REED & BURKE, LLP, ROCHESTER (JEFFREY P. DIPALMA OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (NICOLE MARLOW-JONES OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Wayne County (Matthew A. Rosenbaum, J.), entered December 5, 2016. The order, among other things, denied in part the motion of defendants-appellants to dismiss plaintiff's complaint.

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

Same memorandum as in *Board of Educ. of Palmyra-Macedon Cent. Sch. Dist. v Flower City Glass Co., Inc.* ([appeal No. 1] – AD3d – [Apr. 27, 2018] [4th Dept 2018]).

Entered: April 27, 2018

Mark W. Bennett
Clerk of the Court