

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

**271**

**CA 18-02366**

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, TROUTMAN, AND DEJOSEPH, JJ.

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TOWN OF WEST SENECA, PLAINTIFF-APPELLANT,

V

ORDER

LOUIS DESIGN SOLUTIONS ARCHITECTURE, LLC,  
FORMERLY KNOWN AS LOUIS DESIGN GROUP,  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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ERNSTROM & DRESTE, LLP, ROCHESTER (MATTHEW D. HOLMES OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

BURGIO, CURVIN & BANKER, BUFFALO (HILARY C. BANKER OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered December 3, 2018. The order and judgment granted defendant's motion to dismiss the complaint.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs (*see Town of W. Seneca v Kideney Architects, P.C.* ([appeal No. 1] – AD3d – [Oct. 2, 2020] [4th Dept 2020])).

Entered: October 2, 2020

Mark W. Bennett  
Clerk of the Court