

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

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CA 09-01748

PRESENT: SMITH, J.P., FAHEY, CARNI, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF ROBERT P. MEEGAN, JR.,  
INDIVIDUALLY AND AS PRESIDENT OF BUFFALO  
POLICE BENEVOLENT ASSOCIATION, AND  
BUFFALO POLICE BENEVOLENT ASSOCIATION,  
PETITIONERS-RESPONDENTS,

V

MEMORANDUM AND ORDER

BYRON W. BROWN, AS MAYOR OF CITY OF BUFFALO,  
H. MCCARTHY GIPSON, AS COMMISSIONER OF POLICE,  
AND CITY OF BUFFALO, RESPONDENTS-APPELLANTS.  
(APPEAL NO. 1.)

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HODGSON RUSS LLP, BUFFALO (JOSEPH S. BROWN OF COUNSEL), FOR  
RESPONDENTS-APPELLANTS.

LAW OFFICES OF W. JAMES SCHWAN, BUFFALO (W. JAMES SCHWAN OF COUNSEL),  
FOR PETITIONERS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered November 25, 2008. The order, inter alia, granted petitioners' application to enjoin respondents from implementing a certain program pending the decision of an arbitrator or December 18, 2008, whichever occurred first.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In appeal No. 1, respondents appeal from an order entered November 25, 2008 that, inter alia, granted petitioners' application to enjoin respondents from implementing a Field Training Officer Program within the police department of respondent City of Buffalo until such time as the arbitrator rendered a decision with respect to the grievances filed by petitioners or December 18, 2008, whichever occurred first. In appeal No. 2, respondents appeal from an order entered January 28, 2009 that, inter alia, continued the preliminary injunction granted by the November 25, 2008 order until such time as the arbitrator rendered a decision with respect to the grievances or December 18, 2009, whichever occurred first.

We dismiss appeal No. 1 inasmuch as the order appealed from has expired by its express terms, and thus the appeal is moot. We also

dismiss appeal No. 2 as moot for the same reason.

Entered: June 11, 2010

Patricia L. Morgan  
Clerk of the Court