

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

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CA 10-01103

PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND MARTOCHE, JJ.

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VERIZON NEW YORK, INC., PLAINTIFF-APPELLANT,

V

ORDER

LABARGE BROTHERS CO., INC. AND LABARGE  
COMPANIES, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 4.)

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EDWARD C. COSGROVE, BUFFALO (JAMES C. COSGROVE OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (ANN MAGNARELLI  
ALEXANDER OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered March 4, 2010. The order denied  
plaintiff's motion for leave to renew and reargue.

It is hereby ORDERED that said appeal from the order insofar as  
it denied those parts of plaintiff's motion for leave to reargue its  
opposition to defendants' motion for summary judgment dismissing the  
complaint and for leave to reargue its cross motion is unanimously  
dismissed and the order is otherwise affirmed without costs (see  
*Verizon New York, Inc. v LaBarge Bros. Co., Inc.* [appeal No. 1], \_\_\_  
AD3d \_\_\_ [Feb. 10, 2011]).

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court