

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

1210

CA 11-00673

PRESENT: CENTRA, J.P., FAHEY, GREEN, AND GORSKI, JJ.

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JAMES SQUARE ASSOCIATES LP, MOHAWK GLEN ASSOCIATES, LLC, PIONEER FULTON SHOPPING CENTER, LLC, PIONEER MANAGEMENT GROUP, LLC, AND WATERFRONT ASSOCIATES, LLC,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

DENNIS MULLEN, COMMISSIONER, NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND JAMIE WOODWARD, COMMISSIONER, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (OWEN DEMUTH OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (JONATHAN B. FELLOWS OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered June 22, 2010. The order and judgment granted the motion of plaintiffs for summary judgment, denied the cross motion of defendants for summary judgment, declared that Section 3 of the 2009 Amendments to the Empire Zones Program is prospective only and declared that the June 29, 2009 decertification of plaintiffs, to the extent it was applied retroactively to January 1, 2008, is null and void.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985).

Entered: November 18, 2011

Patricia L. Morgan  
Clerk of the Court