

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

1443

CA 12-00086

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, WHALEN, AND MARTOCHE, JJ.

VILLAGE OF ILION, ET AL., PLAINTIFFS,
AND VILLAGE OF HERKIMER, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

COUNTY OF HERKIMER, INDIVIDUALLY AND AS
ADMINISTRATOR OF HERKIMER COUNTY SELF-INSURANCE
PLAN, DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(APPEAL NO. 1.)

LONGSTREET & BERRY, LLP, SYRACUSE (MARTHA L. BERRY OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

HINMAN, HOWARD & KATTELL, LLP, BINGHAMTON (ALBERT J. MILLUS, JR., OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Anthony J. Paris, J.), entered June 17, 2011. The order granted in part the motion of defendant County of Herkimer, individually and as administrator of Herkimer County Self-Insurance Plan, for a declaratory judgment and an order of preclusion.

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

Same Memorandum as in *Village of Ilion v County of Herkimer* ([appeal No. 3] ___ AD3d ___ [Feb. 1, 2013]).

Entered: February 1, 2013

Frances E. Cafarell
Clerk of the Court