

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

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**CA 08-00896**

PRESENT: SMITH, J.P., CENTRA, PERADOTTO, AND GORSKI, JJ.

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IN THE MATTER OF PAUL BROWN, AS PRESIDENT OF  
BUILDING AND CONSTRUCTION TRADES COUNCIL  
OF BUFFALO AND VICINITY, AND BUILDING AND  
CONSTRUCTION TRADES COUNCIL OF BUFFALO AND  
VICINITY, PETITIONERS-RESPONDENTS,

V

ORDER

COUNTY OF ERIE AND TOM GREENAUER DEVELOPMENT,  
INC., RESPONDENTS-APPELLANTS.

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OPERATING ENGINEERS LOCAL 17 TRAINING FUND,  
INTERVENOR-RESPONDENT;

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,  
INTERVENOR-APPELLANT.  
(APPEAL NO. 1.)

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CHERYL A. GREEN, COUNTY ATTORNEY, BUFFALO (KRISTIN KLEIN WHEATON OF  
COUNSEL), FOR RESPONDENT-APPELLANT COUNTY OF ERIE.

BOND, SCHOENECK & KING, PLLC, BUFFALO (ROBERT A. DOREN OF COUNSEL),  
FOR RESPONDENT-APPELLANT TOM GREENAUER DEVELOPMENT, INC. AND  
INTERVENOR-APPELLANT.

CREIGHTON, PEARCE, JOHNSEN & GIROUX, BUFFALO (CATHERINE A. CREIGHTON  
OF COUNSEL), AND SHERMAN, DUNN, COHEN, LEIFER & YELLIG PC, WASHINGTON,  
D.C., FOR PETITIONERS-RESPONDENTS AND INTERVENOR-RESPONDENT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MICHELLE ARONOWITZ OF  
COUNSEL), AMICUS CURIAE IN SUPPORT OF PETITIONERS-RESPONDENTS.

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Appeals from an order of the Supreme Court, Erie County (Timothy  
J. Drury, A.J.), entered October 16, 2007 in a proceeding pursuant to  
CPLR article 78. The order, insofar as appealed from, denied the  
motions of respondents to dismiss the petition.

It is hereby ORDERED that said appeals are unanimously dismissed  
without costs (see CPLR 5701 [b] [1]).

Entered: March 27, 2009

JoAnn M. Wahl  
Clerk of the Court