

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

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CA 08-02120

PRESENT: HURLBUTT, J.P., CENTRA, PERADOTTO, GREEN, AND GORSKI, JJ.

VILLAGE OF ILION, VILLAGE OF HERKIMER, VILLAGE OF FRANKFORT, AND TOWN OF FRANKFORT, AS MUNICIPAL CORPORATIONS AND ON BEHALF OF THEIR CONSTITUENT TAXPAYERS, PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

COUNTY OF HERKIMER, INDIVIDUALLY AND AS ADMINISTRATOR OF THE HERKIMER COUNTY SELF-INSURANCE PLAN, DEFENDANT-RESPONDENT, ET AL., DEFENDANTS.
(APPEAL NO. 2.)

GLEASON DUNN WALSH & O'SHEA, ALBANY (THOMAS F. GLEASON OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

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

Appeal from an order of the Supreme Court, Herkimer County (Michael E. Daley, J.), entered August 27, 2008. The order, *inter alia*, granted the motion of defendant County of Herkimer, individually and as administrator of the Herkimer County Self-Insurance Plan, for summary judgment on its amended and supplemental counterclaims.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Village of Ilion v County of Herkimer* ([appeal No. 1] ___ AD3d ___ [June 5, 2009]).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court