

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

899

CA 08-02164

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

DINO DICIENZO AND INTERTRUST DEVELOPMENT, INC.,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

NIAGARA FALLS URBAN RENEWAL AGENCY,
DEFENDANT-RESPONDENT.

THE NIAGARA VENTURE, APPELLANT.
(APPEAL NO. 2.)

LAW OFFICES OF JOHN P. BARTOLOMEI & ASSOCIATES, NIAGARA FALLS (JOHN P. BARTOLOMEI OF COUNSEL), FOR APPELLANT.

PHILLIPS LYTTLE LLP, BUFFALO (CYNTHIA L. THOMPSON OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

THOMAS M. O'DONNELL, CORPORATION COUNSEL, NIAGARA FALLS (RICHARD ZUCCO OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered June 23, 2008. The order denied the motion of The Niagara Venture for leave to reargue or renew the denial of its motion to intervene.

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

Same Memorandum as in *DiCienzo v Niagara Falls Urban Renewal Agency* ([appeal No. 1] ___ AD3d ___ [June 5, 2009]).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court