

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

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CA 08-02086

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

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THE NIAGARA VENTURE, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NIAGARA FALLS URBAN RENEWAL AGENCY, CITY OF  
NIAGARA FALLS, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANTS.  
(ACTION NO. 1.)

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

V

NIAGARA FALLS URBAN RENEWAL AGENCY,  
DEFENDANT-RESPONDENT.  
(ACTION NO. 2.)  
(APPEAL NO. 3.)

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

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

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

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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 consolidate action Nos. 1 and 2.

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