

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

1556

CA 09-01433

PRESENT: HURLBUTT, J.P., SMITH, CENTRA, GREEN, AND PINE, JJ.

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IN THE MATTER OF MICHAEL G. CARUSO,  
PETITIONER-RESPONDENT,

V

ORDER

VILLAGE OF KENMORE, VILLAGE OF KENMORE  
POLICE DEPARTMENT, KATHLEEN P. JOHNSON,  
CLERK/TREASURER, PATRICK MANG, MAYOR,  
AND SALVATORE MUSCARELLA, KATHERINE  
BESTINE, PAUL P. CATALANO, AND R. TIMOTHY  
MCCARTHY, TRUSTEES, RESPONDENTS-APPELLANTS.

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BOND, SCHOENECK & KING, PLLC, BUFFALO (ROBERT A. DOREN OF COUNSEL),  
FOR RESPONDENTS-APPELLANTS.

LAW OFFICE OF WILLIAM E. GRANDE, KENMORE (WILLIAM E. GRANDE OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from a judgment (denominated order) of the Supreme Court,  
Erie County (Patrick H. NeMoyer, J.), entered January 14, 2009 in a  
proceeding pursuant to CPLR article 78. The judgment granted the  
petition.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court