

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

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CA 09-02152

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, PERADOTTO, AND GREEN, JJ.

IN THE MATTER OF ERIE COUNTY SHERIFF'S POLICE
BENEVOLENT ASSOCIATION, RONALD BLECKINGER,
CHARLES BURKHARDT, PAUL CONSTANTINO, ROBERT
FIORETTI, LOUIS GONZALEZ, MARCIA KRUYNSKI,
ALLEN KUBIAK, KEVIN LOFTUS, JAMES MCMAHON,
DAVID O'BRIEN, VINCENT PUPO, NORMAN REDEYE,
THOMAS RICH, MARK ROKITKA, JAMES RYAN, SYLVAN
SCIRRI, RAYMOND SPENCER, LONNIE WILLIAMS,
ALFRED MUSSACHIO (DECEASED), BENJAMIN CRESPO,
WILLIAM ROGOWSKI, PEDRO PABON, LORENDA WILLIAMS,
JENNIFER CATANIA, STEPHEN RAIPORT, RYAN LEHIGH,
FRANK DISPENZA, THOMAS DUDEK, ROBERT SLOEIR,
TIMOTHY CARNEY, ROBERT BRAEUNER, BRADLEY HEBLER,
DAVID KARNEY, CATHERINE LANNEN, CARL ANDOLINA,
NICHOLAS BUDNEY, WILLIAM COOLEY, PATRICK
HUMISTON, ANDREW KIEFER, JOHN LAKE, PAUL O'BRIEN,
JAMES UNGER, MARK DONAHUE, KRISTINE MURRAY-MACK,
FRANK LORENZO, DAVID DILLON, MARK TUCZYNSKI,
TIMOTHY TAYLOR, SUSAN PUMA, DOUGLAS TUBINAS,
CHARLES TIRONE, SHARON SAVANNAH, ROBERT
RUTKOWSKI, LARRY BRAND, JR., JAMES MAZUR, AND
RICHARD MANLEY,
PETITIONERS/PLAINTIFFS-RESPONDENTS,

ORDER

V

COUNTY OF ERIE AND ERIE COUNTY SHERIFF,
RESPONDENTS/DEFENDANTS-APPELLANTS

CHERYL A. GREEN, COUNTY ATTORNEY, BUFFALO (JEANNINE M. PURTELL OF
COUNSEL), FOR RESPONDENTS/DEFENDANTS-APPELLANTS.

BARTLO, HETTLER & WEISS, KENMORE (PAUL D. WEISS OF COUNSEL), FOR
PETITIONERS/PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered June 12, 2009 in a CPLR article 75 proceeding and breach of contract action. The order granted the motion of petitioners/plaintiffs for partial summary judgment on the issue of liability.

It is hereby ORDERED that the order so appealed from is

unanimously affirmed without costs.

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court