

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

421

CA 11-02575

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

---

STEWART M. SHUTE, JR., PLAINTIFF-APPELLANT,

V

ORDER

ROBERT MCLUSKY AND MICHAEL BLOOM,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

---

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

RIEHLMAN, SHAFER & SHAFER, TULLY (JOEL I. ROSS OF COUNSEL), FOR  
DEFENDANT-RESPONDENT MICHAEL BLOOM.

---

Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered November 4, 2011. The order settled the record for appeals from judgments entered July 14, 2010 and September 9, 2010.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see* CPLR 5511; *see also* *Town of Massena v Niagara Mohawk Power Corp.*, 45 NY2d 482, 488).

Entered: June 8, 2012

Frances E. Cafarell  
Clerk of the Court