

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

661

CA 12-00134

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND MARTOCHE, JJ.

IN THE MATTER OF COUNTY OF ERIE,
PETITIONER-RESPONDENT,

V

ORDER

RICHARD F. DAINES, COMMISSIONER, NEW YORK
STATE DEPARTMENT OF HEALTH, AND NEW YORK
STATE DEPARTMENT OF HEALTH,
RESPONDENTS-APPELLANTS.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (VICTOR PALADINO OF
COUNSEL), FOR RESPONDENTS-APPELLANTS.

WHITEMAN OSTERMAN & HANNA LLP, ALBANY (CHRISTOPHER E. BUCKEY OF
COUNSEL), AND NANCY ROSE STORMER, P.C., UTICA, FOR
PETITIONER-RESPONDENT.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Erie County (Donna M. Siwek, J.), entered April 1, 2011
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 (*see Matter of County of Niagara v*
Daines, 91 AD3d 1288).

Entered: June 8, 2012

Frances E. Cafarell
Clerk of the Court