

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

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**CA 13-02187**

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

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IN THE MATTER OF LISA DIFRANCESCO, KELLY EARNST,  
BRENDA HIGGINS, MICHAEL JANOWSKY, MICHELLE  
MARASCHIELLO AND RAYMOND YUREK,  
PETITIONERS-RESPONDENTS,

V

ORDER

COUNTY OF NIAGARA, JAMES R. VOUTOUR, AS SHERIFF  
OF COUNTY OF NIAGARA, CITY OF NORTH TONAWANDA,  
NIAGARA COUNTY DEPUTY SHERIFF'S ASSOCIATION,  
RESPONDENTS-APPELLANTS,  
ET AL., RESPONDENTS.

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JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (BEVERLEY S. BRAUN OF  
COUNSEL), FOR RESPONDENTS-APPELLANTS COUNTY OF NIAGARA AND JAMES R.  
VOUTOUR, AS SHERIFF OF COUNTY OF NIAGARA.

SHAWN P. NICKERSON, CITY ATTORNEY, NORTH TONAWANDA, FOR  
RESPONDENT-APPELLANT CITY OF NORTH TONAWANDA.

LAW OFFICES OF W. JAMES SCHWAN, BUFFALO (W. JAMES SCHWAN OF COUNSEL),  
FOR RESPONDENT-APPELLANT NIAGARA COUNTY DEPUTY SHERIFF'S ASSOCIATION.

REDEN & O'DONNELL, LLP, BUFFALO (TERRY M. SUGRUE OF COUNSEL), FOR  
PETITIONERS-RESPONDENTS.

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Appeals from a judgment (denominated order) of the Supreme Court,  
Niagara County (Matthew J. Murphy, III, A.J.), entered February 28,  
2013 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: June 13, 2014

Frances E. Cafarell  
Clerk of the Court