

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

1477

CA 10-01487

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

CHARLES GEORGE AND CMG PHARMACEUTICALS, INC.,
DOING BUSINESS AS AKRON PHARMACY,
PLAINTIFFS-APPELLANTS,

V

ORDER

HEALTHNOW NEW YORK INC., DOING BUSINESS AS
BLUE CROSS & BLUE SHIELD OF WESTERN NEW YORK
AND/OR BLUE CROSS BLUE SHIELD OF WESTERN NEW
YORK AND COMMUNITY BLUE, DEFENDANT-RESPONDENT.

MARK R. UBA, WILLIAMSVILLE, AND JOEL L. DANIELS, BUFFALO, FOR
PLAINTIFFS-APPELLANTS.

JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (MITCHELL J. BANAS, JR., OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John M. Curran, J.), entered September 11, 2009. The order and judgment granted defendant's motion to dismiss the complaint.

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

Entered: December 30, 2010

Patricia L. Morgan
Clerk of the Court