

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

**1210**

**CA 11-00673**

PRESENT: CENTRA, J.P., FAHEY, GREEN, AND GORSKI, JJ.

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JAMES SQUARE ASSOCIATES LP, MOHAWK GLEN  
ASSOCIATES, LLC, PIONEER FULTON SHOPPING  
CENTER, LLC, PIONEER MANAGEMENT GROUP, LLC,  
AND WATERFRONT ASSOCIATES, LLC,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

DENNIS MULLEN, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF ECONOMIC DEVELOPMENT, AND JAMIE  
WOODWARD, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF TAXATION AND FINANCE,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (OWEN DEMUTH OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (JONATHAN B. FELLOWS OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme  
Court, Onondaga County (John C. Cherundolo, A.J.), entered June 22,  
2010. The order and judgment granted the motion of plaintiffs for  
summary judgment, denied the cross motion of defendants for summary  
judgment, declared that Section 3 of the 2009 Amendments to the Empire  
Zones Program is prospective only and declared that the June 29, 2009  
decertification of plaintiffs, to the extent it was applied  
retroactively to January 1, 2008, is null and void.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (see *Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d  
985).

Entered: November 18, 2011

Patricia L. Morgan  
Clerk of the Court