

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

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**CA 17-01186**

PRESENT: WHALEN, P.J., SMITH, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

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IN THE MATTER OF VILLAGE OF FREDONIA,  
PETITIONER-APPELLANT-RESPONDENT,

V

MEMORANDUM AND ORDER

CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.,  
LOCAL 1000, AFSCME, VILLAGE OF FREDONIA UNIT  
6313 OF LOCAL 807,  
RESPONDENT-RESPONDENT-APPELLANT.  
(APPEAL NO. 1.)

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HORTON LAW PLLC, ORCHARD PARK (SCOTT P. HORTON OF COUNSEL), FOR  
PETITIONER-APPELLANT-RESPONDENT.

FESSENDEN, LAUMER & DEANGELO, PLLC, JAMESTOWN (CHARLES S. DEANGELO OF  
COUNSEL), FOR RESPONDENT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court,  
Chautauqua County (Frank A. Sedita, III, J.), entered April 17, 2017  
in a proceeding pursuant to CPLR article 75. The order, among other  
things, dismissed the petition to stay arbitration.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Same memorandum as in *Matter of Village of Fredonia v Civil Serv.  
Emps. Assn., Inc., Local 1000, AFSCME, Vil. of Fredonia Unit 6313 of  
Local 807* ([appeal No. 2] – AD3d – [Mar. 23, 2018] [4th Dept 2018]).

Entered: March 23, 2018

Mark W. Bennett  
Clerk of the Court