

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

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CA 19-00850

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, TROUTMAN, AND DEJOSEPH, JJ.

TOWN OF WEST SENECA, PLAINTIFF-APPELLANT,

V

ORDER

LOUIS DESIGN SOLUTIONS ARCHITECTURE, LLC,
FORMERLY KNOWN AS LOUIS DESIGN GROUP,
DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

ERNSTROM & DRESTE, LLP, ROCHESTER (MATTHEW D. HOLMES OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

BURGIO, CURVIN & BANKER, BUFFALO (HILARY C. BANKER OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered April 22, 2019. The order, insofar as appealed from, denied plaintiff's motion to settle the record on appeal and ordered that memoranda of law and a transcript of oral argument will not be included in the record on appeal.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs and the motion to settle the record is granted (*see Town of W. Seneca v Kideney Architects, P.C.* ([appeal No. 1] – AD3d – [Oct. 2, 2020] [4th Dept 2020])).

Entered: October 2, 2020

Mark W. Bennett
Clerk of the Court