

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

237

CA 21-01477

PRESENT: WHALEN, P.J., SMITH, NEMOYER, CURRAN, AND BANNISTER, JJ.

IN THE MATTER OF JOHN W. EISENHAUER AND
KATHLEEN ANNE MCGLYNN EISENHAUER,
PETITIONERS-PLAINTIFFS-APPELLANTS,

V

ORDER

WATERTOWN CITY SCHOOL DISTRICT, WATERTOWN
CITY SCHOOL DISTRICT BOARD OF EDUCATION,
CITY OF WATERTOWN AND ROSWELL P. FLOWER
MEMORIAL LIBRARY,
RESPONDENTS-DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

TABNER, RYAN & KENIRY, LLP, ALBANY (WILLIAM F. RYAN, JR., OF COUNSEL),
FOR PETITIONERS-PLAINTIFFS-APPELLANTS.

THE LAW FIRM OF FRANK W. MILLER, EAST SYRACUSE (CHARLES C. SPAGNOLI OF
COUNSEL), FOR RESPONDENTS-DEFENDANTS-RESPONDENTS WATERTOWN CITY SCHOOL
DISTRICT AND WATERTOWN CITY SCHOOL DISTRICT BOARD OF EDUCATION.

SLYE LAW OFFICES, P.C., WATERTOWN (ROBERT J. SLYE OF COUNSEL), FOR
RESPONDENT-DEFENDANT-RESPONDENT CITY OF WATERTOWN.

WHITEMAN OSTERMAN & HANNA LLP, ALBANY (ELLEN M. BACH OF COUNSEL), FOR
RESPONDENT-DEFENDANT-RESPONDENT ROSWELL P. FLOWER MEMORIAL LIBRARY.

Appeal from a judgment (denominated order) of the Supreme Court,
Jefferson County (James P. McClusky, J.), entered May 17, 2021 in a
proceeding pursuant to CPLR article 78 and declaratory judgment
action. The judgment, inter alia, dismissed the "[a]rticle 78
challenge."

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (see *Matter of Eric D.* [appeal No. 1], 162 AD2d 1051,
1051 [4th Dept 1990]).

Entered: August 4, 2022

Ann Dillon Flynn
Clerk of the Court