

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

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**CA 21-01009**

PRESENT: WHALEN, P.J., SMITH, CENTRA, NEMOYER, AND WINSLOW, JJ.

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DINA BARDSLEY AND MICHAEL BARDSLEY, HER  
HUSBAND, INDIVIDUALLY, AND AS CLASS  
REPRESENTATIVE PLAINTIFFS,  
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

GREAT LAKES INDUSTRIAL DEVELOPMENT, LLC,  
AND INDUSTRIAL MATERIALS RECYCLING, LLC,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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VINAL & VINAL, P.C., BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

NIXON PEABODY LLP, ROCHESTER (ZACHARY C. OSINSKI OF COUNSEL), FOR  
DEFENDANT-RESPONDENT GREAT LAKES INDUSTRIAL DEVELOPMENT, LLC.

GOLDBERG SEGALLA LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR  
DEFENDANT-RESPONDENT INDUSTRIAL MATERIALS RECYCLING, LLC.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), dated May 10, 2021. The order, among other things, granted the motion of plaintiffs insofar as it sought leave to reargue their prior motion for class certification and, upon reargument, adhered to the prior order denying plaintiffs' motion for class certification.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Bardsley v Great Lakes Indus. Dev., LLC* ([appeal No. 1] – AD3d – [June 3, 2022] [4th Dept 2022]).

Entered: June 3, 2022

Ann Dillon Flynn  
Clerk of the Court