

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

**1124**

**CA 14-02060**

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND VALENTINO, JJ.

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IN THE MATTER OF GAIL MURTAUGH, INDIVIDUALLY  
AND DOING BUSINESS AS CROSBY HILL AUTO RECYCLING,  
RICHARD R. MURTAUGH AND MURTAUGH RECYCLING CORP.,  
PETITIONERS-APPELLANTS,

V

ORDER

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION AND DENISE M. SHEEHAN, COMMISSIONER,  
RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 1.)

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BRICKWEDDE LAW FIRM, SYRACUSE (KEVIN C. MURPHY OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (KATHLEEN M. ARNOLD OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered January 22, 2014 in a proceeding  
pursuant to CPLR article 78. The order, among other things, denied  
petitioners' cross motion to dismiss the counterclaims.

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

Entered: December 23, 2015

Frances E. Cafarell  
Clerk of the Court