

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

**284**

**CA 15-01005**

PRESENT: WHALEN, P.J., CENTRA, CARNI, DEJOSEPH, AND TROUTMAN, JJ.

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MARK ALLEN SHAW, ET AL., PLAINTIFFS,  
AND JOSEPH G. TERRIZZI, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CHESTER VANARSDALE, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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GOODELL & RANKIN, JAMESTOWN (ANDREW W. GOODELL OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

PETER D. CLARK, FREDONIA, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered October 17, 2014. The order, among other things, permanently enjoined defendant from placing a dock in waters abutting Elmwood Avenue, from using Elmwood Avenue to store his personal items and from constructing any further structures on Elmwood Avenue, and directed that defendant remove the dock and his personal items within 60 days.

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

Same memorandum as in *Shaw v VanArsdale* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Apr. 29, 2016]).

Entered: April 29, 2016

Frances E. Cafarell  
Clerk of the Court