

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

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CA 17-01383

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

SARAH J. GREGORY AND BRIAN C. GREGORY,
PLAINTIFFS-RESPONDENTS,

V

ORDER

STEVEN R. CAVARELLO, DEFENDANT,
NATIONAL FUEL GAS DISTRIBUTION CORP., MUNICIPAL
PIPE CO., LLC, AND CITY OF BUFFALO,
DEFENDANTS-APPELLANTS.

GOLDBERG SEGALLA LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR
DEFENDANTS-APPELLANTS NATIONAL FUEL GAS DISTRIBUTION CORP., AND
MUNICIPAL PIPE CO., LLC.

TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (DAVID M. LEE OF
COUNSEL), FOR DEFENDANT-APPELLANT CITY OF BUFFALO.

Appeals from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered April 11, 2017. The order denied the motion of defendants National Fuel Gas Distribution Corp. and Municipal Pipe Co., LLC, for bifurcation.

It is hereby ORDERED that said appeal is unanimously dismissed without costs as moot (*see generally Turner v CSX Transp., Inc.*, 72 AD3d 1646, 1647 [4th Dept 2010]).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court