

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

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OP 22-01275

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.

IN THE MATTER OF HUNTLEY POWER, LLC, PETITIONER,

V

MEMORANDUM AND ORDER

TOWN OF TONAWANDA, RESPONDENT.
(PROCEEDING NO. 1.)

BARCLAY DAMON LLP, ROCHESTER (MARK R. MCNAMARA OF COUNSEL), FOR
PETITIONER.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (MARC A. ROMANOWSKI OF
COUNSEL), FOR RESPONDENT.

Proceeding pursuant to Eminent Domain Procedure Law § 207
(initiated in the Appellate Division of the Supreme Court in the
Fourth Judicial Department) to review the determination of respondent.
The determination approved the condemnation of certain real property.

It is hereby ORDERED that the proceeding is unanimously dismissed
without costs.

Same memorandum as in *Matter of Huntley Power, LLC v Town of
Tonawanda* ([proceeding No. 2] – AD3d – [June 9, 2023] [4th Dept
2023]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court