

**City of Syracuse Indus. Dev. Agency v COR Dev.
Co., LLC**

2016 NY Slip Op 32738(U)

March 31, 2016

Supreme Court, Onondaga County

Docket Number: 2015EF5195

Judge: James P. Murphy

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This opinion is uncorrected and not selected for official publication.

At an IAS Term of the Supreme Court of the State of New York, held in and for the County of Onondaga at the Courthouse thereof in Syracuse, New York on the 23rd day of March, 2016.

**SUPREME COURT OF THE STATE OF NEW YORK
ONONDAGA COUNTY**

**CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT
AGENCY,**

Plaintiff,

v.

**COR DEVELOPMENT COMPANY, LLC,
COR INNER HARBOR COMPANY, LLC,
COR VAN RENSSELAER STREET COMPANY, LLC,
COR WEST KIRKPATRICK STREET COMPANY, LLC,
and COR WEST KIRKPATRICK STREET COMPANY
III, INC.,**

Defendants.

**ORDER AND
JUDGMENT**

Index No.: 2015EF5195

WHEREAS, on or about December 23, 2015, Plaintiff City of Syracuse Industrial Development Agency ("Plaintiff") commenced this action by filing a Summons and Complaint in the Office of the Onondaga County Clerk;

WHEREAS, on or about January 21, 2016, Plaintiff filed its Verified Amended Complaint (the "Verified Amended Complaint");

WHEREAS, on or about January 27, 2016, Defendants COR Development Company, LLC, COR Inner Harbor Company, LLC, COR Van Rensselaer Street Company, LLC, COR West Kirkpatrick Street Company, LLC and COR West Kirkpatrick Street Company III, Inc. (collectively "Defendants"), by their attorneys, Whiteman Osterman & Hanna, LLP and Mannion & Copani, moved for an order, pursuant to CPLR 3211 (a)(1) and 3211 (a)(7), dismissing this Verified Amended Complaint in its entirety; and

WHEREAS, on or about March 23, 2016, the Court heard oral arguments by counsel for Plaintiff and Defendants and issued a bench decision granting Defendants' motion and dismissing the Verified Amended Complaint in its entirety, a copy of which is attached hereto as **Exhibit A**.

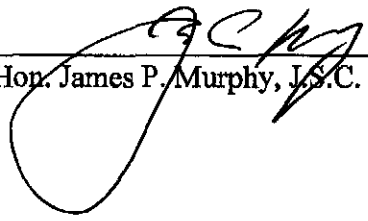
NOW, upon reading and filing the Notice of Motion to Dismiss dated January 27, 2016; the Affidavit of Steven F. Aiello, in support of the motion, sworn to on January 27, 2016; the Summons dated December 23, 2015 and the Verified Amended Complaint dated January 21, 2016; the Affidavit of M. Catherine Richardson, Esq. in opposition to the motion, sworn to February 23, 2016; the Affidavit of William Ryan in opposition to the motion, sworn to February 23, 2016; the Affirmation of Jon P. Devendorf in opposition to the motion, dated February 25, 2016; the Affirmation of Susan R. Katzoff in opposition to the motion, dated February 25, 2016; the Affidavit of Benjamin Walsh in opposition to the motion, sworn to February 25, 2016; and after hearing arguments for the parties on March 23, 2016, and after due deliberation having been held thereon, and for the reasons set forth by this Court in its March 23, 2016 bench decision, a copy of which is attached hereto as Exhibit A, it is hereby

ORDERED, ADJUDGED, and DECREED that Defendants' motion, pursuant to CPLR 3211 (a)(1) and 3211 (a)(7), is granted; and it is further

ORDERED, ADJUDGED, and DECREED that the Verified Amended Complaint and this action are dismissed in their entirety.

SO ORDERED:

Dated: March 31, 2016
Syracuse, New York



Hon. James P. Murphy, J.S.C.