

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

**993**

**CA 10-00603**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

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BANK OF UTICA, PLAINTIFF-APPELLANT,

V

ORDER

CITY OF SYRACUSE, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANT.

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KELLY & WALTHALL, P.C., UTICA (ANNE M. ZIELENSKI OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

JUANITA PEREZ WILLIAMS, CORPORATION COUNSEL, SYRACUSE (NANCY J. LARSON  
OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered September 30, 2009. The order and judgment dismissed the complaint on the motion of defendant City of Syracuse.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs for reasons stated at Supreme Court.

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court