

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

**672.1**

**CA 11-00160**

PRESENT: SMITH, J.P., PERADOTTO, CARNI, SCONIERS, AND MARTOCHE, JJ.

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IN THE MATTER OF THE ARBITRATION BETWEEN  
CITY OF BUFFALO, PETITIONER-APPELLANT,

AND

ORDER

BUFFALO POLICE BENEVOLENT ASSOCIATION, INC.,  
RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA LLP, BUFFALO (JULIE P. APTER OF COUNSEL), FOR  
PETITIONER-APPELLANT.

LAW OFFICES OF W. JAMES SCHWAN, BUFFALO (W. JAMES SCHWAN OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered April 20, 2010 in a proceeding pursuant to CPLR article 75. The order denied the petition for a stay of arbitration.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating the first ordering paragraph and dismissing the petition and as modified the order is affirmed without costs.

Entered: June 10, 2011

Patricia L. Morgan  
Clerk of the Court