

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

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CA 21-01205

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND WINSLOW, JJ.

RAG HERKIMER, LLC, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

HERKIMER COUNTY, DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

LONGSTREET & BERRY, LLP, FAYETTEVILLE (MICHAEL J. LONGSTREET OF COUNSEL), FOR PLAINTIFF-APPELLANT.

THE WEST FIRM, PLLC, ALBANY (CHRISTOPHER W. RUST OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from a decision of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered July 28, 2021 in a proceeding pursuant to Eminent Domain Procedure Law. The decision, among other things, determined the fair market value of certain real property.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *RAG Herkimer, LLC v Herkimer County* ([appeal No. 2] – AD3d – [Aug. 4, 2022] [4th Dept 2022]).

Entered: August 4, 2022

Ann Dillon Flynn
Clerk of the Court