

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

233

CA 22-00688

PRESENT: SMITH, J.P., LINDLEY, CURRAN, OGDEN, AND GREENWOOD, JJ.

IN THE MATTER OF GANNETT CO., INC., DOING
BUSINESS AS DEMOCRAT & CHRONICLE,
PETITIONER-APPELLANT,

V

ORDER

HERKIMER POLICE DEPARTMENT, MICHAEL J. JORY,
IN HIS OFFICIAL CAPACITY AS CHIEF OF HERKIMER
POLICE DEPARTMENT, VILLAGE OF HERKIMER AND
COLLEEN D. GROSS, IN HER OFFICIAL CAPACITY AS
VILLAGE CLERK TREASURER, RESPONDENTS-RESPONDENTS.
(APPEAL NO. 1.)

GREENBERG TRAUERIG, LLP, ALBANY (MICHAEL J. GRYGIEL OF COUNSEL), FOR
PETITIONER-APPELLANT.

LONGSTREET & BERRY, LLP, FAYETTEVILLE (MARTHA L. BERRY OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS.

Appeal from a judgment (denominated order) of the Supreme Court,
Herkimer County (Bernadette T. Clark, J.), entered April 28, 2022 in a
proceeding pursuant to CPLR article 78. The judgment granted the
motion of respondents to dismiss the petition.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on February 8, 2023,

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

Entered: March 17, 2023

Ann Dillon Flynn
Clerk of the Court