

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

1172

CA 14-00175

PRESENT: SMITH, J.P., PERADOTTO, VALENTINO, WHALEN, AND DEJOSEPH, JJ.

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IN THE MATTER OF SYNERGY, LLC AND SYNERGY  
BIOGAS, LLC, PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

SUSAN KIBLER, ASSESSOR, TOWN OF COVINGTON,  
TOWN OF COVINGTON BOARD OF ASSESSMENT REVIEW,  
RESPONDENTS-RESPONDENTS,  
AND WYOMING CENTRAL SCHOOL DISTRICT,  
INTERVENOR-RESPONDENT.  
(APPEAL NO. 2.)

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BOND, SCHOENECK & KING, PLLC, ROCHESTER (KARL S. ESSLER OF COUNSEL),  
FOR PETITIONERS-APPELLANTS.

DIMATTEO LAW OFFICE, WARSAW (DAVID M. ROACH OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS.

HARRIS BEACH PLLC, PITTSFORD (J. RYAN WHITE OF COUNSEL), FOR  
INTERVENOR-RESPONDENT.

SUSAN G. ROSENTHAL, NEW YORK STATE DEPARTMENT OF AGRICULTURE AND  
MARKETS, ALBANY (JOHN F. RUSNICA OF COUNSEL), FOR COMMISSIONER OF THE  
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS, AMICUS CURIAE.

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Appeal from an order of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), entered December 23, 2013. The order denied petitioners' motion for leave to reargue and/or renew.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed and the order is affirmed without costs.

Same Memorandum as in *Matter of Synergy, LLC v Kibler* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Jan. 2, 2015]).

Entered: January 2, 2015

Frances E. Cafarell  
Clerk of the Court