

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

724

CA 16-00041

PRESENT: WHALEN, P.J., CARNI, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

IN THE MATTER OF MODERN DISPOSAL, INC.,
PETITIONER-APPELLANT,

V

ORDER

TOWN OF CHEEKTOWAGA AND WASTE MANAGEMENT OF
NEW YORK, LLC, RESPONDENTS-RESPONDENTS.

RICHARD A. PALUMBO, PITTSFORD, FOR PETITIONER-APPELLANT.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (KEVIN E. LOFTUS OF
COUNSEL), FOR RESPONDENT-RESPONDENT TOWN OF CHEEKTOWAGA.

HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), FOR
RESPONDENT-RESPONDENT WASTE MANAGEMENT OF NEW YORK, LLC.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Erie County (Joseph R. Glowonia, J.), entered December
3, 2015 in a proceeding pursuant to CPLR article 78. The judgment
denied the petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs.

Entered: November 10, 2016

Frances E. Cafarell
Clerk of the Court