

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

1039

CA 15-02020

PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND CURRAN, JJ.

IN THE MATTER OF NICOLAS GRANTO,
KEVIN HENDERSON, GEORGE MCDONELL,
PETITIONERS-APPELLANTS,
AND RICHARD FLECK, PETITIONER,

V

MEMORANDUM AND ORDER

CITY OF NIAGARA FALLS, RESPONDENT-RESPONDENT.
(APPEAL NO. 2.)

MAGAVERN MAGAVERN GRIMM LLP, NIAGARA FALLS (SEAN J. MACKENZIE OF
COUNSEL), FOR PETITIONERS-APPELLANTS.

CRAIG H. JOHNSON, CORPORATION COUNSEL, NIAGARA FALLS (CHRISTOPHER M.
MAZUR OF COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered November 30, 2015. The order denied the motion of petitioners for leave to renew their opposition to respondent's motion to dismiss the petition.

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

Same memorandum as in *Matter of Granto v City of Niagara Falls* ([appeal No. 1] ___ AD3d ___ [Mar. 24, 2017]).

Entered: March 24, 2017

Frances E. Cafarell
Clerk of the Court