

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

884

CA 17-01770

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ.

IN THE MATTER OF JOSEPH A. MASCIA,
PETITIONER-APPELLANT,

V

ORDER

CITY OF BUFFALO, BYRON W. BROWN, INDIVIDUALLY,
AND AS MAYOR OF THE CITY OF BUFFALO, MICHAEL A.
SEAMAN, INDIVIDUALLY, AND AS A MEMBER OF THE
BUFFALO MUNICIPAL HOUSING AUTHORITY BOARD OF
COMMISSIONERS, ALAN CORE, INDIVIDUALLY, AND AS A
MEMBER OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY
BOARD OF COMMISSIONERS, STANLEY FERNANDEZ,
INDIVIDUALLY, AND AS A MEMBER OF THE BUFFALO
MUNICIPAL HOUSING AUTHORITY BOARD OF COMMISSIONERS,
HAL D. PAYNE, INDIVIDUALLY, AND AS A MEMBER OF THE
BUFFALO MUNICIPAL HOUSING AUTHORITY BOARD OF
COMMISSIONERS, DONNA BROWN, INDIVIDUALLY, AND AS A
MEMBER OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY
BOARD OF COMMISSIONERS, YVONNE MARTINEZ, INDIVIDUALLY,
AND AS A MEMBER OF THE BUFFALO MUNICIPAL HOUSING
AUTHORITY BOARD OF COMMISSIONERS AND BUFFALO MUNICIPAL
HOUSING AUTHORITY, RESPONDENTS-RESPONDENTS.

HOGANWILLIG, PLLC, AMHERST (DIANE R. TIVERON OF COUNSEL), FOR
PETITIONER-APPELLANT.

TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (WILLIAM P. MATHEWSON OF
COUNSEL), FOR RESPONDENTS-RESPONDENTS CITY OF BUFFALO, AND BYRON W.
BROWN, INDIVIDUALLY, AND AS MAYOR OF THE CITY OF BUFFALO.

HODGSON RUSS LLP, BUFFALO (MICHAEL B. RISMAN OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS MICHAEL A. SEAMAN, INDIVIDUALLY, AND AS A
MEMBER OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY BOARD OF
COMMISSIONERS, ALAN CORE, INDIVIDUALLY, AND AS A MEMBER OF THE BUFFALO
MUNICIPAL HOUSING AUTHORITY BOARD OF COMMISSIONERS, STANLEY FERNANDEZ,
INDIVIDUALLY, AND AS A MEMBER OF THE BUFFALO MUNICIPAL HOUSING
AUTHORITY BOARD OF COMMISSIONERS, HAL D. PAYNE, INDIVIDUALLY, AND AS A
MEMBER OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY BOARD OF
COMMISSIONERS, DONNA BROWN, INDIVIDUALLY, AND AS A MEMBER OF THE
BUFFALO MUNICIPAL HOUSING AUTHORITY BOARD OF COMMISSIONERS, YVONNE
MARTINEZ, INDIVIDUALLY, AND AS A MEMBER OF THE BUFFALO MUNICIPAL
HOUSING AUTHORITY BOARD OF COMMISSIONERS AND BUFFALO MUNICIPAL
HOUSING AUTHORITY.

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (John L. Michalski, A.J.), entered December 16, 2016 in a proceeding pursuant to CPLR article 78. The judgment, among other things, dismissed the amended petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court