

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

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**CA 18-01843**

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

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IN THE MATTER OF ARBITRATION BETWEEN CITY OF  
BUFFALO, PETITIONER-RESPONDENT,

AND

ORDER

BRAND-ON SERVICES, INC., RESPONDENT.

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MORTON H. WITTLIN, INTERVENOR-PLAINTIFF-APPELLANT.

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FREID AND KLAOWN, WILLIAMSVILLE (WAYNE I. FREID OF COUNSEL), FOR  
INTERVENOR-PLAINTIFF-APPELLANT.

TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (DAVID M. LEE OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered April 2, 2018. The order and judgment granted the motion of petitioner for summary judgment, denied the cross motion of Morton H. Wittlin for summary judgment, and declared that Morton H. Wittlin does not have a valid security interest in certain floating docks and that petitioner has priority over the security interest claimed by Morton H. Wittlin in the floating docks.

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

Entered: March 15, 2019

Mark W. Bennett  
Clerk of the Court