

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

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CA 19-01139

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

TOWN OF WEST SENECA, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

KIDENEY ARCHITECTS, P.C., FORMERLY KNOWN AS
KIDENEY ARCHITECTS, LAPING JAEGER ASSOCIATES, P.C.,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

ERNSTROM & DRESTE, LLP, ROCHESTER (MATTHEW D. HOLMES OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

HURWITZ & FINE, P.C., BUFFALO (ANDREA SCHILLACI OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered June 11, 2019. The order, among other things, denied plaintiff's motion to settle the record on appeal and ordered that memoranda of law and a transcript of oral argument will not be included in the record on appeal.

It is hereby ORDERED that said appeal from the order insofar as it relates to the second ordering paragraph is unanimously dismissed and the order is modified on the law by granting the motion to settle the record on appeal and as modified the order is affirmed without costs.

Same memorandum as in *Town of W. Seneca v Kideney Architects, P.C.* ([appeal No. 1] - AD3d - [Oct. 2, 2020] [4th Dept 2020]).

Entered: October 2, 2020

Mark W. Bennett
Clerk of the Court