

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

**783**

**CA 20-01294**

PRESENT: CARNI, J.P., LINDLEY, WINSLOW, AND BANNISTER, JJ.

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IN THE MATTER OF DANIEL W. GERBER, FRANK J.  
CIANO, WILLIAM G. KELLY, PAUL S. DEVINE, JOHN J.  
JABLONSKI AND DENNIS J. BRADY,  
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

GOLDBERG SEGALLA LLP, RESPONDENT-RESPONDENT.  
(APPEAL NO. 1.)

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VAHEY LAW OFFICES, PLLC, ROCHESTER (LAURIE A. VAHEY OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

WEBSTER SZANYI LLP, BUFFALO (KEVIN A. SZANYI OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered September 18, 2020. The order denied petitioners' motion seeking, among other things, to vacate an arbitration award.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Matter of Gerber v Goldberg Segalla LLP* ([appeal No. 2] – AD3d – [Nov. 12, 2021] [4th Dept 2021]).

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court