

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

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CA 21-00171

PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, BANNISTER, AND DEJOSEPH, JJ.

STEPHEN D. VICKI AND NICOLE VICKI,
PLAINTIFFS-RESPONDENTS,

V

ORDER

CITY OF NIAGARA FALLS, ET AL., DEFENDANTS,
NIAGARA FALLS WATER BOARD, NIAGARA FALLS
PUBLIC WATER AUTHORITY AND NIAGARA MOHAWK
POWER CORPORATION, DOING BUSINESS AS NATIONAL
GRID, DEFENDANTS-APPELLANTS.

BURDEN, HAFNER & HANSEN, LLC, BUFFALO (PHYLISS A. HAFNER OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered October 7, 2020. The order, among other things, adjudged that no further deposition of plaintiff Stephen D. Vicki is warranted and directed the parties to continue with discovery.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Presti v Schalck*, 26 AD2d 793, 793 [4th Dept 1966]).

Entered: November 12, 2021

Ann Dillon Flynn
Clerk of the Court