

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

15

CA 20-01587

PRESENT: WHALEN, P.J., NEMOYER, CURRAN, WINSLOW, AND BANNISTER, JJ.

IN THE MATTER OF APPLICATION OF CITY OF
JAMESTOWN, PETITIONER-RESPONDENT,

V

ORDER

TOWN COUNCIL OF TOWN OF ELLICOTT AND BOARD OF
TRUSTEES OF VILLAGE OF FALCONER,
RESPONDENTS-APPELLANTS.
(APPEAL NO. 2.)

HARRIS BEACH PLLC, BUFFALO (ALLISON B. FIUT OF COUNSEL), FOR
RESPONDENTS-APPELLANTS.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (STEPHANIE M. CAMPBELL OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an amended judgment (denominated amended decision and order) of the Supreme Court, Chautauqua County (Lynn W. Keane, J.), entered November 17, 2020 in a proceeding pursuant to CPLR article 78. The amended judgment, inter alia, granted the petition and determined that the subject annexation petition is legally compliant.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051, 1051 [4th Dept 1990]).

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court