

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

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CA 20-01588

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. 3.)

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 a second amended judgment (denominated second amended decision and order) of the Supreme Court, Chautauqua County (Lynn W. Keane, J.), entered November 24, 2020 in a proceeding pursuant to CPLR article 78. The second amended judgment, inter alia, granted the petition and determined that the subject annexation petition is legally compliant.

It is hereby ORDERED that the second amended judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court