

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

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CA 22-00424

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.

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WILLIAM A. MEYERS AND EILEEN MEYERS,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

BRIAN T. BERL AND FAITH BERL,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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UNDERBERG & KESSLER LLP, BUFFALO (THOMAS F. KNAB OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

KENDALL, WALTON & BURROWS, WATERTOWN (KATHRYN J. HARRIENGER OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from a judgment and order (one paper) of the Supreme Court, Jefferson County (James P. McClusky, J.), entered August 25, 2021. The judgment and order, inter alia, declared that plaintiffs have an easement over defendants' property.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Laborers Intl. Union of N. Am., Local 210, AFL-CIO v Shevlin-Manning, Inc.*, 147 AD2d 977, 977 [4th Dept 1989]).

Entered: February 3, 2023

Ann Dillon Flynn  
Clerk of the Court