

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

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CA 22-00815

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, BANNISTER, AND OGDEN, JJ.

THOMAS E. CARCONE, GERALD ALSANTE, MATT BUTTONSHON,
FRANCIS GUARASCIO, WILLIAM MASON, ERIC SPRINGER,
AND MARCEL WROBEL, IN THEIR CAPACITY AS MEMBERS
OF UTICA PAID FIREMEN'S RELIEF ASSOCIATION OF
CITY OF UTICA AND ON BEHALF OF ALL MEMBERS OF
UTICA PAID FIREMEN'S RELIEF ASSOCIATION OF CITY
OF UTICA, PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

JAMES NOON, IN HIS OFFICIAL CAPACITY AS PRESIDENT
OF UTICA PAID FIREMEN'S RELIEF ASSOCIATION OF CITY
OF UTICA AND UTICA PAID FIREMEN'S RELIEF
ASSOCIATION OF CITY OF UTICA, DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

ZACHARY C. OREN, UTICA (DAVID A. LONGERETTA OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

GLEASON, DUNN, WALSH & O'SHEA, ALBANY (RONALD G. DUNN OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 13, 2022. The order denied the motion of defendants to dismiss the third amended complaint.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Carcone v Noon* ([appeal No. 1] – AD3d – [Mar. 17, 2023] [4th Dept 2023]).

Entered: March 17, 2023

Ann Dillon Flynn
Clerk of the Court