

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

**1217**

**CA 17-00870**

PRESENT: SMITH, J.P., CARNI, CURRAN, AND WINSLOW, JJ.

---

NIAGARA MOHAWK POWER CORPORATION, DOING BUSINESS  
AS NATIONAL GRID, PLAINTIFF-RESPONDENT,

V

ORDER

CITY OF SYRACUSE AND CITY OF SYRACUSE DEPARTMENT  
OF WATER, DEFENDANTS-APPELLANTS.

---

JOSEPH E. FAHEY, CORPORATION COUNSEL, SYRACUSE (MARY L. D'AGOSTINO OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

SOLOMON AND SOLOMON, P.C., ALBANY (DUSTIN B. HOWARD OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Onondaga County (James  
P. Murphy, J.), entered March 6, 2017. The order denied defendants'  
motion to dismiss.

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

Entered: November 17, 2017

Mark W. Bennett  
Clerk of the Court