

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

**1277**

**CA 18-00841**

PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, CURRAN, AND TROUTMAN, JJ.

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SERAFIN PROPERTIES, LLC, PLAINTIFF-APPELLANT,

V

ORDER

AMORE ENTERPRISES, INC., DEFENDANT-RESPONDENT.

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ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (GUY J. AGOSTINELLI OF COUNSEL), FOR PLAINTIFF-APPELLANT.

LEWANDOWSKI & ASSOCIATES, WEST SENECA (KIMBERLY M. THRUN OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered February 6, 2018 in a declaratory judgment action. The judgment, among other things, declared that plaintiff does not have a prescriptive easement over defendant's property.

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

Entered: November 9, 2018

Mark W. Bennett  
Clerk of the Court