

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

**22.1**

**CA 07-02552**

PRESENT: SCUDDER, P.J., HURLBUTT, CENTRA, GREEN, AND GORSKI, JJ.

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DAVID P. RICKICKI AND PATRICIA RICKICKI,  
PLAINTIFFS-APPELLANTS,

V

ORDER

BORDEN CHEMICAL, DIVISION OF BORDEN, INC.,  
ET AL., DEFENDANTS,  
UNIMIN CORPORATION AND U.S. SILICA COMPANY,  
DEFENDANTS-RESPONDENTS.  
(ACTION NO. 1.)

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MICHAEL C. CROWLEY AND SHARON M. CROWLEY,  
PLAINTIFFS-APPELLANTS,

V

C-E MINERALS, INC., ET AL., DEFENDANTS,  
NYCO MINERALS COMPANY, UNIMIN CORPORATION,  
U.S. SILICA COMPANY, MEYERS CHEMICALS,  
MALVERN MINERALS COMPANY, FERRO CORPORATION,  
CHARLES B. CHRYSTAL CO., INC., AND UNIMIN  
SPECIALTY MINERALS, INC.,  
DEFENDANTS-RESPONDENTS.  
(ACTION NO. 2.)  
(APPEAL NO. 1.)

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PAUL WILLIAM BELTZ, P.C., BUFFALO (DEBRA A. NORTON OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

PHILLIPS LYTLE, LLP, BUFFALO (NATHAN A. SCHACHTMAN, OF THE NEW JERSEY  
AND PENNSYLVANIA BARS, ADMITTED PRO HAC VICE, OF COUNSEL), BOND,  
SCHOENECK & KING, PLLC, AND SMITH, MURPHY & SCHOEPPERLE, LLP, FOR  
DEFENDANTS-RESPONDENTS UNIMIN CORPORATION, U.S. SILICA COMPANY, MEYERS  
CHEMICALS, AND UNIMIN SPECIALTY MINERALS, INC.

GOLDBERG SEGALLA LLP, ROCHESTER (MELANIE S. WOLK OF COUNSEL), FOR  
DEFENDANT-RESPONDENT NYCO MINERALS COMPANY.

ANSPACH MEEKS ELLENBERGER LLP, BUFFALO (KIMBERLY D. GENSLER OF  
COUNSEL), FOR DEFENDANT-RESPONDENT MALVERN MINERALS COMPANY.

DAMON & MOREY LLP, BUFFALO (SHERI L. MOONEY OF COUNSEL), FOR  
DEFENDANT-RESPONDENT FERRO CORPORATION.

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Appeals from an order of the Supreme Court, Cattaraugus County (Patrick H. NeMoyer, J.), entered January 26, 2007. The order dismissed the complaints.

It is hereby ORDERED that said appeals are unanimously dismissed without costs (*see generally Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court