

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

1020

CA 09-00648

PRESENT: HURLBUTT, J.P., CENTRA, PINE, AND GORSKI, JJ.

ROBERT J. RAY, PLAINTIFF-APPELLANT,

V

ORDER

NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION
AND PAUL KELLY, EXECUTIVE DIRECTOR OF THE
NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION,
DEFENDANTS-RESPONDENTS.

GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C., BUFFALO (DAVID H. ELIBOL OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

LEVY RATNER, P.C., NEW YORK CITY (DANIEL ENGELSTEIN OF COUNSEL), AND
CREIGHTON, PEARCE, JOHNSEN & GIROUX, BUFFALO, FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (John M.
Curran, J.), entered September 25, 2008. The order granted the motion
of defendants to dismiss the complaint.

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

Entered: October 2, 2009

Patricia L. Morgan
Clerk of the Court