

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

1263

CA 09-01014

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

PINO ALTO PARTNERS, INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY SITUATED,
PLAINTIFF-RESPONDENT,

ORDER

V

ERIE COUNTY WATER AUTHORITY, DEFENDANT-APPELLANT.

HODGSON RUSS LLP, BUFFALO (HUGH M. RUSS, III, OF COUNSEL), FOR
DEFENDANT-APPELLANT.

HARTER SECREST & EMERY LLP, BUFFALO (DAVID T. ARCHER OF COUNSEL), AND
RALPH C. LORIGO, WEST SENECA, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered January 15, 2009. The order, insofar as appealed from, granted in part plaintiff's motion for class certification.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court (*Pino Alto Partners v Erie County Water Auth.*, 21 Misc 3d 1114[A], 2008 NY Slip Op 52070[U]).

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court