

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

**1366**

**CA 09-01017**

PRESENT: SCUDDER, P.J., HURLBUTT, MARTOCHE, CENTRA, AND PERADOTTO, JJ.

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IN THE MATTER OF THOMAS E. ROTHDIENER AND  
VITO CARBONE, PETITIONERS-APPELLANTS,

V

ORDER

STATE OF NEW YORK RACING AND WAGERING BOARD,  
RESPONDENT-RESPONDENT.

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GUSTAVE J. DETRAGLIA, JR., UTICA, FOR PETITIONERS-APPELLANTS.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATHLEEN M. ARNOLD OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered January 27, 2009. The order and judgment denied the petition and confirmed the arbitration award.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court