

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

1438

CA 09-00787

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, CARNI, AND PINE, JJ.

KENNETH GORDON, ET AL., PLAINTIFFS-APPELLANTS,

V

ORDER

PRESBYTERY OF WESTERN NEW YORK AND PRESBYTERIAN
CHURCH (U.S.A.), A CORPORATION,
DEFENDANTS-RESPONDENTS.

BROWN & KELLY, LLP, BUFFALO (LISA T. SOFFERIN OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

HODGSON RUSS LLP, BUFFALO (JOSEPH S. BROWN OF COUNSEL), FOR
DEFENDANT-RESPONDENT PRESBYTERY OF WESTERN NEW YORK.

LAW OFFICES OF MICHAEL PILARZ, BUFFALO (MICHAEL PILARZ OF COUNSEL),
FOR DEFENDANT-RESPONDENT PRESBYTERIAN CHURCH (U.S.A.), A CORPORATION.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (John M. Curran, J.), entered January 8, 2009 in a
declaratory judgment action. The judgment, among other things, denied
plaintiffs' motion for summary judgment.

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

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court