

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

1365

CA 09-00977

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

IN THE MATTER OF MARK A. MATTESON,
PETITIONER-APPELLANT,

V

ORDER

NEWFANE CENTRAL SCHOOL DISTRICT BOARD OF
EDUCATION, RESPONDENT-RESPONDENT.

JAMES R. SANDNER, LATHAM (FREDERICK K. REICH OF COUNSEL), FOR
PETITIONER-APPELLANT.

HODGSON RUSS LLP, BUFFALO (KARL W. KRISTOFF OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Niagara County
(Richard C. Kloch, Sr., A.J.), entered July 7, 2008 in a proceeding
pursuant to CPLR article 78. The judgment dismissed the petition for
legal fees and expenses pursuant to Education Law § 3028.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs.

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court