

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

1459

CA 08-02266

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

LT PROPCO, LLC, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

CAROUSEL CENTER COMPANY, L.P. AND CITY OF
SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,
DEFENDANTS-RESPONDENTS.
(ACTION NO. 1.)

LORD & TAYLOR CAROUSEL, INC.,
PLAINTIFF-APPELLANT,

V

CAROUSEL CENTER COMPANY, L.P. AND CITY OF
SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,
DEFENDANTS-RESPONDENTS.
(ACTION NO. 2.)

KAUFMANN'S CAROUSEL, INC.,
PLAINTIFF-APPELLANT,

V

CAROUSEL CENTER COMPANY, L.P. AND CITY OF
SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,
DEFENDANTS-RESPONDENTS.
(ACTION NO. 3.)

IN THE MATTER OF THE APPLICATION OF CITY
OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,
PETITIONER-RESPONDENT,
TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL
CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED
AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO.
114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR
(LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF
SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A
PORTION OF THE SITE FOR THE PHASED PUBLIC
PROJECT KNOWN AS DESTINY USA.

LORD & TAYLOR CAROUSEL, INC.,
RESPONDENT-APPELLANT.
(PROCEEDING NO. 1.)

IN THE MATTER OF THE APPLICATION OF CITY

OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,
PETITIONER-RESPONDENT,
TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL
CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED
AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO.
114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR
(LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF
SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A
PORTION OF THE SITE FOR THE PHASED PUBLIC
PROJECT KNOWN AS DESTINY USA.

KAUFMANN'S CAROUSEL, INC.,
RESPONDENT-APPELLANT.
(PROCEEDING NO. 2.)
(APPEAL NO. 2.)

HARRIS BEACH PLLC, PITTSFORD (DOUGLAS A. FOSS OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS AND RESPONDENTS-APPELLANTS.

GILBERTI STINZIANO HEINTZ & SMITH, P.C., SYRACUSE (KEVIN G. ROE OF
COUNSEL), FOR DEFENDANT-RESPONDENT CAROUSEL CENTER COMPANY, L.P.

HISCOCK & BARCLAY, LLP, BUFFALO (MARK R. MCNAMARA OF COUNSEL), FOR
DEFENDANT-RESPONDENT AND PETITIONER-RESPONDENT CITY OF SYRACUSE
INDUSTRIAL DEVELOPMENT AGENCY.

Appeal from an order of the Supreme Court, Onondaga County (John
C. Cherundolo, A.J.), entered August 7, 2008. The order, among other
things, dismissed the complaints of plaintiffs LT Propco, LLC and
Kaufmann's Carousel, Inc.

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

Same Memorandum as in *LT Propco, LLC v Carousel Ctr. Co., L.P.*
([appeal No. 3] ___ AD3d ___ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court