

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

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CA 09-02024

PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ.

1093 GROUP, LLC, PLAINTIFF-APPELLANT,

V

ORDER

TIME WARNER CABLE, INC., DEFENDANT-RESPONDENT.

MOSEY PERSICO, LLP, BUFFALO (SHANNON M. HENEGHAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

COLUCCI & GALLAHER, P.C., BUFFALO (CAROLYN E. KIRCHBERGER OF COUNSEL),
FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Erie County Court (Shirley Troutman, J.), entered December 12, 2008. The order granted the motion of defendant to dismiss the complaint.

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

Entered: March 19, 2010

Patricia L. Morgan
Clerk of the Court