

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

**993**

**CA 10-00603**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

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BANK OF UTICA, PLAINTIFF-APPELLANT,

V

ORDER

CITY OF SYRACUSE, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANT.

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KELLY & WALTHALL, P.C., UTICA (ANNE M. ZIELENSKI OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

JUANITA PEREZ WILLIAMS, CORPORATION COUNSEL, SYRACUSE (NANCY J. LARSON  
OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme  
Court, Onondaga County (Deborah H. Karalunas, J.), entered September  
30, 2009. The order and judgment dismissed the complaint on the  
motion of defendant City of Syracuse.

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

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court