

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

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**CA 10-01102**

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

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VERIZON NEW YORK, INC., PLAINTIFF-APPELLANT,

V

ORDER

LABARGE BROTHERS CO., INC. AND LABARGE  
COMPANIES, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 3.)

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EDWARD C. COSGROVE, BUFFALO (JAMES C. COSGROVE OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (ANN MAGNARELLI  
ALEXANDER OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered August 6, 2009. The order, among  
other things, granted defendants' motion for summary judgment  
dismissing plaintiff's complaint and denied plaintiff's cross motion  
for leave to amend the complaint to add Suburban Pipeline Co., Inc. as  
a defendant.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs (*see Verizon New York, Inc. v*  
*LaBarge Bros. Co., Inc.* [appeal No. 1], \_\_\_ AD3d \_\_\_ [Feb. 10, 2011]).

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court