

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

**164**

**CA 10-00378**

PRESENT: SMITH, J.P., CARNI, SCONIERS, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF THE APPLICATION OF DOROTHY  
GILBERT, PETITIONER-APPELLANT,

V

ORDER

DAVID SUTKOWY, COMMISSIONER, ONONDAGA COUNTY  
DEPARTMENT OF SOCIAL SERVICES, AND DAVID A.  
HANSELL, COMMISSIONER, NEW YORK STATE OFFICE  
OF TEMPORARY AND DISABILITY ASSISTANCE,  
RESPONDENTS-RESPONDENTS.

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LEGAL SERVICES OF CENTRAL NEW YORK, INC., SYRACUSE (JULIE B. MORSE OF  
COUNSEL), FOR PETITIONER-APPELLANT.

ZACHARY L. KARMEN, SYRACUSE, FOR RESPONDENT-RESPONDENT DAVID SUTKOWY,  
COMMISSIONER, ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATHLEEN M. TREASURE OF  
COUNSEL), FOR RESPONDENT-RESPONDENT DAVID A. HANSELL, COMMISSIONER,  
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

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Appeal from a judgment of the Supreme Court, Onondaga County  
(John C. Cherundolo, A.J.), entered November 16, 2009 in a proceeding  
pursuant to CPLR article 78. The judgment denied the petition and  
granted the motions of respondents to dismiss the petition pursuant to  
CPLR 3211 (a) (7).

Now, upon reading and filing the stipulation discontinuing appeal  
signed by the attorneys for the parties on November 9 and 16, 2010,

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs upon stipulation.

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court