

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

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**CA 10-01163**

PRESENT: SMITH, J.P., CARNI, LINDLEY, AND GORSKI, JJ.

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FRANK MCGUIRE, ET AL., PLAINTIFFS,  
AND MCGUIRE CHILDREN, LLC,  
PLAINTIFF-RESPONDENT,

V

ORDER

WILLIAM L. HUNTRESS, ACQUEST HOLDINGS, INC.,  
ACQUEST DEVELOPMENT, LLC, ACQUEST GOVERNMENT  
HOLDINGS OPP, LLC, ACQUEST GOVERNMENT HOLDINGS,  
U.S. GEOLOGICAL, LLC, AND LINCOLN PARK  
ASSOCIATES, LLC, DEFENDANTS-APPELLANTS.  
(APPEAL NO. 1.)

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HAGERTY & BRADY, BUFFALO (MICHAEL A. BRADY OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

MATTAR, D'AGOSTINO & GOTTLIEB, LLP, BUFFALO (KRISTA GOTTLIEB OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered November 10, 2009. The order granted in part and denied in part defendants' motion for a trial order of dismissal pursuant to CPLR 4401.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also* CPLR 5501 [a] [1]).

Entered: April 1, 2011

Patricia L. Morgan  
Clerk of the Court