

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

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**CA 11-00361**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

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CASTLETON DEVELOPMENT, LLC, KURT SILVESTRO AND  
MICHAEL PALOMBO, PLAINTIFFS-RESPONDENTS,

V

ORDER

GREENMAN-PEDERSEN, INC., DEFENDANT-APPELLANT.

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HOWARD R. BIRNBACH, GREAT NECK, FOR DEFENDANT-APPELLANT.

GRECO TRAPP, PLLC, BUFFALO (DUANE D. SCHOONMAKER OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Niagara County  
(Richard C. Kloch, Sr., A.J.), entered November 5, 2010. The order  
denied the motion of defendant to dismiss the complaint.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed with costs.

Entered: September 30, 2011

Patricia L. Morgan  
Clerk of the Court