

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

**1279**

**CA 11-01339**

PRESENT: SCUDDER, P.J., SMITH, GREEN, GORSKI, AND MARTOCHE, JJ.

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PARTNERS TRUST BANK, FORMERLY KNOWN AS SBU BANK,  
FORMERLY KNOWN AS SAVINGS BANK OF UTICA,  
CLAIMANT-RESPONDENT,

V

ORDER

STATE OF NEW YORK, DEFENDANT-APPELLANT.  
(CLAIM NO. 107502.)  
(APPEAL NO. 1.)

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ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (OWEN DEMUTH OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

GILBERTI STINZIANO HEINTZ & SMITH, P.C., SYRACUSE (KEVIN G. ROE OF  
COUNSEL), AND SIDNEY DEVORSETZ, PLLC, FOR CLAIMANT-RESPONDENT.

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Appeal from a decision of the Court of Claims (Diane L.  
Fitzpatrick, J.), entered June 8, 2010. The decision awarded claimant  
money damages after a nonjury trial.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (see *Kuhn v Kuhn*, 129 AD2d 967).

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court