

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

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CA 11-01546

PRESENT: SCUDDER, P.J., FAHEY, CARNI, AND MARTOCHE, JJ.

IN THE MATTER OF KELI-KORAN LUCHEY,
PETITIONER-RESPONDENT-APPELLANT,

V

ORDER

BOARD OF EDUCATION OF CITY SCHOOL DISTRICT OF
THE CITY OF NIAGARA FALLS AND CYNTHIA A. BIANCO,
IN HER CAPACITY AS SUPERINTENDENT OF SCHOOLS,
RESPONDENTS-APPELLANTS-RESPONDENTS.

HURWITZ & FINE, P.C., BUFFALO (MICHAEL F. PERLEY OF COUNSEL), FOR
RESPONDENTS-APPELLANTS-RESPONDENTS.

RICHARD E. CASAGRANDE, LATHAM (ANTHONY J. BROCK OF COUNSEL), FOR
PETITIONER-RESPONDENT-APPELLANT.

Appeal and cross appeal from a judgment (denominated decision and order) of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered October 5, 2010 in a proceeding pursuant to CPLR article 78. The judgment, among other things, directed respondents to reinstate petitioner to her tenured position.

It is hereby ORDERED that said cross appeal is unanimously dismissed (*see Town of Massena v Niagara Mohawk Power Corp.*, 45 NY2d 482, 488; *see also* CPLR 5511) and the judgment is affirmed without costs.

Entered: February 17, 2012

Frances E. Cafarell
Clerk of the Court