

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

965

CA 11-02301

PRESENT: SCUDDER, P.J., CENTRA, SCONIERS, AND MARTOCHE, JJ.

---

TILTCRETE, LLC, PLAINTIFF-APPELLANT,

V

ORDER

WIDEWATERS CONSTRUCTION, INC.,  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

---

LONGSTREET & BERRY, LLP, SYRACUSE (MICHAEL J. LONGSTREET OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

HISCOCK & BARCLAY, LLP, SYRACUSE (ALAN R. PETERMAN OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

---

Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered July 15, 2011 in a breach of contract action. The order dismissed the complaint and awarded money damages to defendant after a nonjury trial.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Laborers Intl. Union of N. Am., Local 210, AFL-CIO v Shevlin-Manning, Inc.*, 147 AD2d 977).

Entered: September 28, 2012

Frances E. Cafarell  
Clerk of the Court