

Appellate Division, Fourth Judicial Department

MOTION NO. 309/23

CA 22-00380

PRESENT: LINDLEY, J.P., BANNISTER, MONTOUR, OGDEN, AND NOWAK, JJ.

IN THE MATTER OF COLUMBUS MONUMENT CORPORATION,
INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO
THE COLUMBUS MONUMENT ASSOCIATION, NICHOLAS J.
PIRRO, BOB GARDINO, JOANNE GARDINO, JAMES
ALBANESE, MIKE ALBANESE, KATIE ALBANESE, MARY
EMILY ALIBRANDI, SILVIO ASCENZO, LAUREN ASCENZO,
BRENDA WENDY LEE BOUSEFELD, ANDREA BUCCI, ANGELO
CHiodo, MARGARET CHiodo, JOAN CHRISTENSEN,
GABRIEL DIGENOVA, PETER DIGENOVA, GENE FISCH,
ANDRE GRASSO, KEVIN KANE, SHANNON KENNEDY, BILLE
KINNE, JOE LEPIANE, TED MASSEY, RANDY POTTER,
JOSEPH RUSSO, GERARADA SCUDERI, CHARLES TREMPER,
AND JOHN VIGLIOTTI,
PETITIONERS-PLAINTIFFS-RESPONDENTS,

V

CITY OF SYRACUSE, RESPONDENT-DEFENDANT-APPELLANT,
AND BEN WALSH, INDIVIDUALLY AND AS MAYOR OF THE
CITY OF SYRACUSE, RESPONDENT-DEFENDANT.

Petitioners-plaintiffs-respondents having moved for
reargument of or, in the alternative, leave to appeal to the
Court of Appeals from the order of this Court entered July 28,
2023,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is hereby ORDERED that the motion is denied.

Entered: November 17, 2023

Ann Dillon Flynn
Clerk of the Court

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.



I, ANN DILLON FLYNN, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original document, now on file in this office.



IN WITNESS HEREOF, I have hereunto set my
hand and affixed the seal of said Court at the City
of Rochester, New York, this **NOV 17 2023**

Ann Dillon Flynn

Clerk