

EXHIBIT G

At a Special Term of the Supreme Court, Erie County, held at the Erie County Courthouse, 25 Delaware Avenue, Port 22, in Buffalo, New York on July 25, 2016

PRESENT: TIMOTHY J. WALKER, A.J.S.C.
Presiding Justice

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MICRO-LINK, LLC,

Plaintiff,

v.

TOWN OF AMHERST, COUNTY OF ERIE,
NEW YORK,

Defendant,

ORDER

Index No.: 813334/2014
(E/c/a Index No.: 2007/7983)

Defendant Town of Amherst, County of Erie, New York (hereinafter "The Town"), moved for an order granting The Town summary judgment pursuant to CPLR 3212(a). In support of the relief requested, the Town submitted a notice of motion, dated September 18, 2014, the affidavit of Alan P. McCracken, sworn to September 18, 2014, with exhibits attached thereto, the affidavit of J. Matthew Plunkett, sworn to December 9, 2015, with exhibit attached thereto, and the reply affidavit of Marc W. Brown, sworn to December 9, 2015. In opposition to the relief requested, Plaintiff Micro-Link, LLC ("Micro-Link") submitted the affidavit of R. Anthony Rupp, III, sworn to November 25, 2015, with exhibits attached thereto.

Plaintiff Micro-Link moved for an order to compel disclosure, for leave to continue discovery, and to stay the Town's motion for summary judgment. In support of the relief

requested, Micro-Link submitted a notice of motion, dated December 10, 2014, the affidavit of Thomas B. Watkins, sworn to November 28, 2014, the affirmation of David A. Pellegrino, dated December 10, 2014, with exhibits attached thereto, and the affidavit of R. Anthony Rupp, III, sworn to November 25, 2015, with exhibits attached thereto. In opposition to the relief requested, the Town submitted the affidavit of J. Matthew Plunkett, sworn to December 9, 2015, with exhibit attached thereto, and the reply affidavit of Marc W. Brown, sworn to December 9, 2015.

In addition, the Town cross-moved for an order granting it a protective order pursuant to CPLR 3103(a). In support of the relief requested, the Town submitted a notice of cross-motion, dated January 22, 2015, the affidavit of Alan P. McCracken, sworn to January 22, 2015, with exhibits attached thereto, the affidavit of J. Matthew Plunkett, sworn to December 9, 2015, with exhibit attached thereto, and the reply affidavit of Marc W. Brown, sworn to December 9, 2015. In opposition to the relief requested, Micro-Link submitted the affidavit of R. Anthony Rupp, III, sworn to November 25, 2015, with exhibits attached thereto.

NOW, upon reading and filing the foregoing papers, and after due deliberation, and the Court having issued its decision dated July 25, 2016, which is attached hereto and made a part hereof, it is hereby

ORDERED, that the Town's motion for summary judgment is hereby GRANTED; and it is further

ORDERED, that Micro-Link's motion to compel disclosure, for leave to continue discovery, and to stay the Town's motion for summary judgment is DENIED; and it is further

ORDERED, that the Town's cross-motion for a protective order is DENIED.

Dated: Buffalo, New York
September 17, 2016

HON. TIMOTHY J. WALKER, A.J.S.C.

HON. TIMOTHY J. WALKER, J.C.C.
Acting Supreme Court Justice
Presiding Justice, Commercial Division
8th Judicial District

ENTERED:

33995223

GRANTED

SEP 19 2016

BY
JOHN H. GARBO, JR.
COURT CLERK

Marc W. Brown

From: Timothy J. Walker <tjwalker@nycourts.gov>
Sent: Monday, July 25, 2016 4:06 PM
To: rupp@ruppbases.com; Marc W. Brown
Cc: Darryl J. Colosi; John Garbo
Subject: Micro-Link LLC v. Town of Amherst (813334/2014)

Follow Up Flag: Follow Up
Flag Status: Completed

Counselors: The Court has considered the parties' respective submissions on the following motions and those motions currently pending in this case:

1. Defendant's Motion for Summary Judgment (dated 9/18/14) (Motion Sequence No. 5, upon transfer from Index no. 7983/2007);
2. Plaintiff's Motion to Compel Disclosure, For Leave to Continue Discovery and to Stay Defendant's Motion For Summary Judgment (dated 12/10/14) (Motion Sequence No. 1); and
3. Defendant's Cross-Motion For A Protective Order (dated 1/22/15) (Motion Sequence No. 2).

Upon due consideration thereof, and based upon the record in these protracted proceedings including, but not limited to the prior decisions of this Court (Curran, J., and Michalek, J.) and those of the Appellate Division, Fourth Department, Motion Sequence No. 5 is granted; Motion Sequence No. 1 is denied; and Motion Sequence No. 2 is denied.

Defendant's counsel shall submit an order on notice, to which a copy of this decision shall be attached.



Hon. Timothy J. Walker, Judge of the Court of Claims
 Acting Supreme Court Justice
 Presiding Justice, Commercial Division
 8th Judicial District, State of New York