

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

1185

CA 12-00811

PRESENT: SMITH, J.P., FAHEY, SCONIERS, VALENTINO, AND WHALEN, JJ.

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KENNETH R. WIERZBOWSKI, PLAINTIFF-RESPONDENT,

V

ORDER

KORYN P. WALKER, ET AL., DEFENDANTS,  
AND SOUTHEAST COMMUNITY WORKS CENTER,  
DEFENDANT-APPELLANT.

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DAMON MOREY LLP, BUFFALO (KATHLEEN M. REILLY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

BROWN CHIARI LLP, LANCASTER (DAVID W. OLSON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

LAW OFFICE OF DANIEL R. ARCHILLA, BUFFALO (DONYELLE E. CRAPSI OF  
COUNSEL), FOR DEFENDANT KORYN P. WALKER.

LAW OFFICES OF DESTIN C. SANTACROSE, BUFFALO (ELISE L. MALINOWSKI OF  
COUNSEL), FOR DEFENDANT ANDREW LARRACUENTE.

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Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 22, 2012 in a personal injury action. The order denied the motion of defendant Southeast Community Works Center for summary judgment dismissing the complaint against it.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties, and filed in the Erie County Clerk's Office on December 5, 2012,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: December 21, 2012

Frances E. Cafarell  
Clerk of the Court