

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

763/12

CA 11-01463

PRESENT: SMITH, J.P., CARNI, SCONIERS, AND MARTOCHE, JJ.

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ANTHONY D'ANNA, INDIVIDUALLY AND AS PARENT  
AND NATURAL GUARDIAN OF KATRINA D'ANNA,  
PLAINTIFF-RESPONDENT,

V

ORDER

KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL  
DISTRICT, ET AL., DEFENDANTS,  
ANTHONY A. DANTONIO AND ROSEANNE DANTONIO,  
INDIVIDUALLY AND AS PARENTS AND NATURAL  
GUARDIANS OF ANTHONY BURKHARDT,  
DEFENDANTS-APPELLANTS.

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MILBER MAKRIS PLOUSADIS & SEIDEN, LLP, WILLIAMSVILLE (RICHARD A.  
LILLING OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

GARVEY & GARVEY, BUFFALO (MATTHEW J. GARVEY OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered October 6, 2010. The order, insofar as appealed from, denied the motion of defendants Anthony A. Dantonio and Roseanne Dantonio for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on February 12, 2013,

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

Entered: March 15, 2013

Frances E. Cafarell  
Clerk of the Court