

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

**1491**

**CA 17-01211**

PRESENT: WHALEN, P.J., SMITH, CARNI, TROUTMAN, AND WINSLOW, JJ.

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DEUTSCHE BANK NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC.  
TRUST 2005-HE7, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-HE7,  
PLAINTIFF-RESPONDENT,

V

ORDER

CHRISTINE M. BATCHO, DEFENDANT-APPELLANT,  
NEW YORK STATE DEPARTMENT OF TAXATION AND  
FINANCE, ET AL., DEFENDANTS.

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CENTER FOR ELDER LAW & JUSTICE, BUFFALO (DANIEL WEBSTER OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

LEOPOLD & ASSOCIATES, PLLC, ARMONK (ERIN E. WIETecha OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 6, 2017. The order denied the motion of defendant Christine M. Batcho to dismiss the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for plaintiff and defendant-appellant on January 16 and 22, 2018,

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

Entered: February 9, 2018

Mark W. Bennett  
Clerk of the Court