

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

870/21

CA 20-01288

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND CURRAN, JJ.

SETH O'HARROW, PLAINTIFF-RESPONDENT,

V

ORDER

CASCADES CANADA, INC., GREENPAC HOLDING, LLC,
GREENPAC MILL, LLC, LAFRAMBOISE GROUP, LTD.,
NORAMPAC INDUSTRIES, INC., JAMESTOWN CONTAINER
CORPORATION, MINIMILL TECHNOLOGIES, INC.,
DEFENDANTS-RESPONDENTS,
VALMET, INC. FORMERLY KNOWN AS METSO PAPER
USA, INC., DEFENDANT-APPELLANT,
LOTUS GROUP, USA, INC., DOING BUSINESS AS
LOTUSWORKS AND KSH SOLUTIONS, INC., DEFENDANTS.

GIBSON, MCASKILL & CROSBY LLP, BUFFALO (ROBERT G. SCUMACI OF COUNSEL),
FOR DEFENDANT-APPELLANT.

CELLINO LAW, LLP, BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

MULHOLLAND MINION DAVEY MCNIFF & BEYRER, WILLISTON PARK (ERIC N.
BAILEY OF COUNSEL), FOR DEFENDANTS-RESPONDENTS CASCADES CANADA, INC.,
GREENPAC HOLDING, LLC, GREENPAC MILL, LLC, NORAMPAC INDUSTRIES, INC.,
JAMESTOWN CONTAINER CORPORATION AND MINIMILL TECHNOLOGIES, INC.

SMITH SOVIK KENDRICK & SUGNET, P.C., SYRACUSE (DANIEL R. RYAN OF
COUNSEL), FOR DEFENDANT-RESPONDENT LAFRAMBOISE GROUP, LTD.

HURWITZ & FINE, P.C., BUFFALO (STEVEN PEIPER OF COUNSEL), FOR
DEFENDANT KSH SOLUTIONS, INC.

LAW OFFICES OF DESTIN C. SANTACROSE, BUFFALO (RICHARD S. POVEROMO OF
COUNSEL), FOR DEFENDANT LOTUS GROUP, USA, INC., DOING BUSINESS AS
LOTUSWORKS.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boneillo, III, J.), entered September 2, 2020. The order denied the motion of defendant Valmet, Inc., formerly known as Metso Paper USA, Inc. for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 31, 2022,

It is hereby ORDERED that said appeal is unanimously dismissed

without costs upon stipulation.

Entered: April 22, 2022

Ann Dillon Flynn
Clerk of the Court