

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

728

**CA 15-02116**

PRESENT: WHALEN, P.J., CARNI, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

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EUGENE MARGERUM, JOSEPH FAHEY, TIMOTHY HAZELET,  
PETER KERTZIE, PETER LOTOCKI, SCOTT SKINNER,  
THOMAS REDDINGTON, TIMOTHY CASSEL, MATHEW S.  
OSINSKI, MARK ABAD, BRAD ARNONE, DAVID DENZ,  
PLAINTIFFS-RESPONDENTS,  
AND ANTHONY HYNES, PLAINTIFF,

V

ORDER

CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT OF  
FIRE, DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.

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HODGSON RUSS LLP, BUFFALO (JOSHUA FEINSTEIN OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

CHACCHIA & FLEMING, LLP, HAMBURG (LISA A. POCH OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered October 23, 2015. The order denied the motion of defendants City of Buffalo and City of Buffalo Department of Fire for the Court to recuse itself from this action.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on August 12, 2016,

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

Entered: September 30, 2016

Frances E. Cafarell  
Clerk of the Court