

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

984

CA 17-00487

PRESENT: SMITH, J.P., DEJOSEPH, CURRAN, TROUTMAN, AND WINSLOW, JJ.

ROBERT CIESIELSKI, PLAINTIFF-RESPONDENT,

V

ORDER

CAPOZZI INDUSTRIAL PARK, INC., AND CAPOZZI
PAVING, INC., DEFENDANTS-APPELLANTS.

BARTH SULLIVAN BEHR, BUFFALO (LAURENCE D. BEHR OF COUNSEL), FOR
DEFENDANT-APPELLANT CAPOZZI INDUSTRIAL PARK, INC.

LAW OFFICES OF DESTIN C. SANTACROSE, BUFFALO (ELISE L. CASSAR OF
COUNSEL), FOR DEFENDANT-APPELLANT CAPOZZI PAVING, INC.

MAXWELL MURPHY, LLC, BUFFALO (ALAN D. VOOS OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeals from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered August 19, 2016. The order granted in part plaintiff's motion for partial summary judgment on the issue of liability and denied defendants' cross motions for summary judgment.

Now, upon the stipulation of partial discontinuance signed by the attorneys for the parties on May 2, 2017 and filed in the Erie County Clerk's Office on May 26, 2017, and the stipulation of discontinuance signed by the attorneys for the parties on September 25, 2017, and filed in the Erie County Clerk's Office on September 25, 2017,

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

Entered: September 29, 2017

Mark W. Bennett
Clerk of the Court