

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

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CA 17-01009

PRESENT: CENTRA, J.P., PERADOTTO, NEMOYER, AND WINSLOW, JJ.

ALFRED E. EASTON, JR., AND JANET EASTON,
PLAINTIFFS-APPELLANTS-RESPONDENTS,

V

ORDER

M.A. MORTENSON COMPANY, MODERN MOSAIC LIMITED,
HARBORCENTER DEVELOPMENT, LLC,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.

M.A. MORTENSON COMPANY, ET AL.,
THIRD-PARTY PLAINTIFFS,

V

PRECAST SERVICES INC., THIRD-PARTY
DEFENDANT-RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

MAXWELL MURPHY, LLC, BUFFALO (JOHN F. MAXWELL OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS-RESPONDENTS.

HURWITZ & FINE, P.C., BUFFALO (DAVID R. ADAMS OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS AND THIRD-PARTY PLAINTIFFS.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (CORY J. WEBER OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (Mark J. Grisanti, A.J.), entered September 19, 2016. The
order, inter alia, denied the motion of plaintiffs for partial summary
judgment on liability against defendants-respondents.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on May 22, 2018,

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

Entered: June 8, 2018

Mark W. Bennett
Clerk of the Court