

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

891

CA 18-00279

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ.

ANGELA BOYD, (ALSO KNOWN AS ANGIE BOYD), AS
PARENT AND NATURAL GUARDIAN OF DIQUAN J. WARREN,
AND AS ADMINISTRATOR OF THE ESTATE OF DIQUAN J.
WARREN, DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

MAYOR BYRON BROWN, IN HIS OFFICIAL CAPACITY AS
MAYOR OF CITY OF BUFFALO, CITY OF BUFFALO, CITY
OF BUFFALO COMMON COUNCIL, IN THEIR OFFICIAL
CAPACITY, CITY OF BUFFALO DEPUTY COMMISSIONER
PARKS & RECREATION ANDREW R. RABB, IN HIS OFFICIAL
CAPACITY, AND CITY OF BUFFALO DEPARTMENT
OF PARKS & RECREATION, DEFENDANTS-APPELLANTS.

TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (DAVID M. LEE OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

GELBER & O'CONNELL, LLC, AMHERST (HERSCHEL GELBER OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 28, 2017. The order, insofar as appealed from, denied that part of the motion of defendants for summary judgment dismissing the complaint against defendant City of Buffalo.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on August 17, 2018, and filed in the Erie County Clerk's Office on January 11, 2019,

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

Entered: February 1, 2019

Mark W. Bennett
Clerk of the Court