

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

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CA 18-02397

PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND TROUTMAN, JJ.

SHIRLEY PATCHIN AND DONALD PATCHIN,
PLAINTIFFS-RESPONDENTS,

V

ORDER

DOLLAR TREE STORES, INC., DEFENDANT-APPELLANT.

KENNEY SHELTON LIPTAK NOWAK LLP, ROCHESTER (NICHOLAS B. DAVIS OF
COUNSEL), FOR DEFENDANT-APPELLANT.

FARACI LANGE LLP, ROCHESTER (JOHN A. FALK OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered June 21, 2018. The order denied the motion of defendant for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 23 and May 14, 2019,

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

Entered: June 7, 2019

Mark W. Bennett
Clerk of the Court