

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

731

CA 18-01278

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, LINDLEY, AND CURRAN, JJ.

VARINDER GILL, PLAINTIFF-APPELLANT,

V

ORDER

JOSEPH LOMBARDO, PLATINUM CONSTRUCTION AND
PLATINUM CONNECTION CONSTRUCTION, LLC,
DEFENDANTS-RESPONDENTS.

STUART B. SHAPIRO, KENMORE, FOR PLAINTIFF-APPELLANT.

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC, EAST AURORA (ROBERT D.
STEINHAUS OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.) entered June 19, 2018. The order denied plaintiff's motion to dismiss all counterclaims of the defendants and to preclude defendants from offering proof at trial.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on June 5, 2019,

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

Entered: June 28, 2019

Mark W. Bennett
Clerk of the Court