

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

295/20

CA 19-01649

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ.

DARRYL L. MACKAY AND JOANNE MACKAY, PLAINTIFFS,

V

ORDER

155 EAST MAIN ST., LLC, ET AL., DEFENDANTS.

155 EAST MAIN ST., LLC, THIRD-PARTY
PLAINTIFF-APPELLANT,

V

DHD VENTURES MANAGEMENT COMPANY, INC.,
THIRD-PARTY DEFENDANT,
AND COMFORT SYSTEMS USA (SYRACUSE), INC., DOING
BUSINESS AS BILLONE MECHANICAL CONTRACTORS,
THIRD-PARTY DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (DAVID M.G. KATZ OF
COUNSEL), FOR THIRD-PARTY PLAINTIFF-APPELLANT.

BARCLAY DAMON LLP, ROCHESTER (ROBERT M. SHADDOCK OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (James J. Piampiano, J.), entered August 7, 2019. The order denied defendant-third-party plaintiff's motion for summary judgment against third-party defendant Comfort Systems USA (Syracuse), Inc., doing business as Billone Mechanical Contractors.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on July 8 and August 12, 2020,

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

Entered: March 26, 2021

Mark W. Bennett
Clerk of the Court