

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

68

CA 20-01318

PRESENT: PERADOTTO, J.P., LINDLEY, WINSLOW, AND BANNISTER, JJ.

GARY MYERS AND CYNTHIA MYERS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

INVACARE CORPORATION, DEFENDANT,
RELIANT PHARMACY CORP., RELIANT MEDICAL
EQUIPMENT, THE MCGUIRE GROUP, INC.,
FRANCIS JAMES MCGUIRE, DOING BUSINESS
AS RELIANT MEDICAL EQUIPMENT & SUPPLY,
DEFENDANTS-RESPONDENTS,
KALEIDA HEALTH AND BUFFALO GENERAL HOSPITAL,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (ROBERT D. BARONE OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

DOLCE FIRM, P.C., BUFFALO (ANNE M. WHEELER OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

BARGNESI BRITT, PLLC, BUFFALO (JASON T. BRITT OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

MONACO COOPER LAMME & CARR, PLLC, ALBANY (ADAM H. COOPER OF COUNSEL),
FOR DEFENDANT.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 6, 2020. The order, among other things, dismissed with prejudice all claims and cross claims against defendants Reliant Pharmacy Corp., Reliant Medical Equipment, The McGuire Group, Inc., Francis James McGuire, doing business as Reliant Medical Equipment & Supply, and Invacare Corporation.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 14, 2021,

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

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court