

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

**284/19**

**CA 18-01769**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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PANAMA CENTRAL SCHOOL DISTRICT,  
PLAINTIFF-RESPONDENT,

V

ORDER

EVERGUARD SURFACING, CO., INC., RW CONSTRUCTION, INC.,  
DEFENDANTS,  
FIRST NATIONAL INSURANCE COMPANY OF AMERICA AND  
LIBERTY MUTUAL GROUP, INC., DEFENDANTS-APPELLANTS.

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LEWANDOWSKI & ASSOCIATES, WEST SENECA (STEPHEN J. STACHOWSKI OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS AND DEFENDANT RW CONSTRUCTION,  
INC.

HARRIS BEACH PLLC, BUFFALO (KIRSTIE A. MEANS OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

R. THOMAS RANKIN, JAMESTOWN, FOR DEFENDANT EVERGUARD SURFACING, CO.,  
INC.

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Appeal from an order of the Supreme Court, Chautauqua County  
(Frank A. Sedita, III, J.), entered December 8, 2017. The order,  
insofar as appealed from, denied the motion of defendants First  
National Insurance Company of America and Liberty Mutual Group, Inc.,  
for summary judgment dismissing the complaint against them.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on May 5, 2022,

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

All concur except TROUTMAN, J., who is not participating.

Entered: June 10, 2022

Ann Dillon Flynn  
Clerk of the Court