

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

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CA 22-00705

PRESENT: WHALEN, P.J., PERADOTTO, CURRAN, BANNISTER, AND MONTOUR, JJ.

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THE NEW Y-CAPP, INC., JONATHAN EUGENE COLEMAN  
AND DONNA ZEMORIA PIERCE-BAYLOR,  
PLAINTIFFS-APPELLANTS,

V

ORDER

YELLOWSTONE CAPITAL, LLC, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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WHITE AND WILLIAMS LLP, PHILADELPHIA, PENNSYLVANIA (SHANE R. HESKIN OF  
COUNSEL), FOR PLAINTIFFS-APPELLANTS.

MURRAY LEGAL, PLLC, MINEOLA (CHRISTOPHER R. MURRAY OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 22, 2021. The order granted the motion of defendant to dismiss the action.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on January 3, 2023,

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

Entered: March 17, 2023

Ann Dillon Flynn  
Clerk of the Court