

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

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CA 23-00320

PRESENT: SMITH, J.P., CURRAN, OGDEN, GREENWOOD, AND KEANE, JJ.

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PB-67 DOE, PLAINTIFF-RESPONDENT,

V

ORDER

LINDA BAUMANN, AS EXECUTOR OF THE ESTATE  
OF WENDY E. DIMET, DECEASED, ET AL., DEFENDANTS,  
AND NIAGARA FALLS CITY SCHOOL DISTRICT,  
DEFENDANT-APPELLANT.

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SHAUB AHMUTY CITRIN & SPRATT LLP, LAKE SUCCESS (NICHOLAS TAM OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

PHILLIPS & PAOLICELLI, LLP, NEW YORK CITY (YITZCHAK M. FOGEL OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

PHILLIPS LYTTLE LLP, BUFFALO (RYAN A. LEMA OF COUNSEL), FOR DEFENDANTS.

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Appeal from an order of the Supreme Court, Niagara County (Mark J. Grisanti, A.J.), entered January 20, 2023. The order, insofar as appealed from, denied in part the motion of defendant Niagara Falls City School District to dismiss the complaint against it.

Now, upon reading and filing the stipulation to withdraw the appeal signed by the attorneys for the parties on January 16, 2024, and the accompanying letter signed by the attorney for defendant-appellant on February 2, 2024,

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

Entered: March 15, 2024

Ann Dillon Flynn  
Clerk of the Court