

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

**344**

**CA 23-00260**

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND NOWAK, JJ.

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MELISSA SEIFTER, PLAINTIFF-APPELLANT,

V

ORDER

MASSAGE ENVY FRANCHISING, LLC, MASSAGE ENVY, LLC,  
BKN ENTERPRISES, LLC, CCW GROUP, LLC, TME  
ASSOCIATES, LLC, VCC ASSOCIATES, LLC, HWGA  
AFFILIATES, LLC, RACHEL BANDYCH, DAVID BANDYCH,  
JANE NEWHOUSE, DEFENDANTS-RESPONDENTS.  
ET AL., DEFENDANTS.

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SMITH SOVIK KENDRICK & SUGNET, P.C., SYRACUSE (CHRISTOPHER F.  
DEFRANCESCO OF COUNSEL), FOR PLAINTIFF-APPELLANT.

HANCOCK ESTABROOK, LLP, UTICA (JOHN L. MURAD OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS MASSAGE ENVY FRANCHISING, LLC, AND MASSAGE  
ENVY, LLC.

MACKENZIE HUGHES LLP, SYRACUSE (JOSEPH G. FARRELL OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS BKN ENTERPRISES, LLC, CCW GROUP, LLC, TME  
ASSOCIATES, LLC, VCC ASSOCIATES, LLC, HWGA AFFILIATES, LLC, RACHEL  
BANDYCH, DAVID BANDYCH, AND JANE NEWHOUSE.

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Appeal from an order of the Supreme Court, Onondaga County  
(Robert E. Antonacci, II, J.), entered January 31, 2023. The order,  
among other things, granted the motion of defendants BKN Enterprises,  
LLC, CCW Group, LLC, TME Associates, LLC, VCC Associates, LLC, HWGA  
Affiliates, LLC, Rachel Bandych, David Bandych and Jane Newhouse for  
an order dismissing plaintiff's first, fifth, sixth, seventh, eighth  
and tenth causes of action.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on March 25 and 27, 2024, and  
April 2, 2024,

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

Entered: May 3, 2024

Ann Dillon Flynn  
Clerk of the Court