

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

**454**

**OP 23-02166**

PRESENT: WHALEN, P.J., LINDLEY, DELCONTE, KEANE, AND HANNAH, JJ.

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IN THE MATTER OF PENNEY PROPERTY SUB HOLDINGS LLC,  
PETITIONER,

V

ORDER

TOWN OF AMHERST, RESPONDENT.

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HARTER SECREST & EMERY LLP, ROCHESTER (MEGAN K. DORRITIE OF COUNSEL),  
FOR PETITIONER.

HODGSON RUSS LLP, BUFFALO (DANIEL A. SPITZER OF COUNSEL), FOR  
RESPONDENT.

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Proceeding pursuant to EDPL 207 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department) to review a determination of respondent. The determination acquired certain property of petitioner by eminent domain.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 20, 2024,

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

Entered: June 14, 2024

Ann Dillon Flynn  
Clerk of the Court