

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

1115

CA 12-00772

PRESENT: FAHEY, J.P., PERADOTTO, CARNI, AND WHALEN, JJ.

DESTINY SPINA AND BELINDA C. STEVENS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

KIMPEX, INC. AND KIMPEX (U.S.A.) LTD.,
DEFENDANTS-APPELLANTS.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (MICHAEL T. FEELEY OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

CONNORS & VILARDO, LLP, BUFFALO (LAWLOR F. QUINLAN, III, OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order and partial judgment (one paper) of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered July 15, 2011. The order and partial judgment, inter alia, granted the motion of plaintiffs to set aside the jury verdict.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on January 22, 2013, and filed in the Niagara County Clerk's Office on February 26, 2013,

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

Entered: March 15, 2013

Frances E. Cafarell
Clerk of the Court