

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

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CA 12-02394

PRESENT: SMITH, J.P., CARNI, VALENTINO, AND WHALEN, JJ.

MISERENDINO, SEEGER & ESTOFF, P.C.,
FORMERLY KNOWN AS MISERENDINO, CELNIKER,
SEEGER & ESTOFF, P.C., FORMERLY KNOWN
AS MISERENDINO, KRULL & FOLEY, P.C.,
FORMERLY KNOWN AS MISERENDINO, KRULL &
FOLEY, PLAINTIFF-APPELLANT,

V

ORDER

PHILIP CELNIKER, JONATHAN D. ESTOFF,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.
(ACTION NO. 1.)

THE MISERENDINO LAW FIRM, P.C., FORMERLY
KNOWN AS MISERENDINO, SEEGER & ESTOFF, P.C.,
FORMERLY KNOWN AS MISERENDINO, CELNIKER,
SEEGER & ESTOFF, P.C., FORMERLY KNOWN AS
MISERENDINO, KRULL & FOLEY, P.C., FORMERLY KNOWN
AS KRULL & FOLEY, PLAINTIFF-APPELLANT,

V

WALTER P. SEEGER, DEFENDANT-RESPONDENT.
(ACTION NO. 2.)

UNDERBERG & KESSLER LLP, BUFFALO (THOMAS F. KNAB OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

CONNORS & VILARDO, LLP, BUFFALO (RANDALL D. WHITE OF COUNSEL), FOR
DEFENDANT-RESPONDENT PHILIP CELNIKER.

HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), FOR
DEFENDANT-RESPONDENT JONATHAN D. ESTOFF.

MATTAR, D'AGOSTINO & GOTTLIEB, LLP, BUFFALO (LAWRENCE J. MATTAR OF
COUNSEL), FOR DEFENDANT-RESPONDENT WALTER P. SEEGER.

PERSONIUS MELBER LLP, BUFFALO (RODNEY O. PERSONIUS OF COUNSEL), FOR
DEFENDANTS, ON THE COUNTERCLAIMS.

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered December 3, 2012. The order, insofar as appealed from, denied the motion of plaintiff to compel defendants

Philip Celniker, Jonathan D. Estoff and Walter P. Seegert to produce certain portions of their respective federal and state income tax returns and to compel the forensic examination of certain computers.

Now, upon the stipulations of discontinuance signed by the attorneys for the parties on June 18, 2013, and filed in the Erie County Clerk's Office on July 12, 2013,

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

Entered: July 19, 2013

Frances E. Cafarell
Clerk of the Court