

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

1143

CA 13-00734

PRESENT: CENTRA, J.P., FAHEY, CARNI, SCONIERS, AND VALENTINO, JJ.

SAMANTHA CLARK, AS PARENT AND NATURAL GUARDIAN
OF JOSEPH RAY, AN INFANT,
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

JOSHUA GOTTHART, ET AL., DEFENDANTS,
AND LYNDA GOTTHART, DEFENDANT-APPELLANT-RESPONDENT.

LAW OFFICE OF DESTIN C. SANTACROSE, BUFFALO (CHRISTOPHER R. TURNER OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (Joseph R. Glownia, J.), entered October 3, 2012. The order
denied the motion of defendant Lynda Gotthart for summary judgment
dismissing the complaint and all cross claims against her and denied
the cross motion of plaintiff for summary judgment on the complaint.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on September 24, 2013,

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

Entered: November 8, 2013

Frances E. Cafarell
Clerk of the Court