

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

438

CA 13-01624

PRESENT: SCUDDER, P.J., CENTRA, CARNI, SCONIERS, AND WHALEN, JJ.

LINDA HERBERT, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF DONALD J.
HERBERT, DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

EILEEN REILLY, M.D., ET AL., DEFENDANTS,
ELIZABETH MARIE LOVE, M.D. AND GERIATRIC
ASSOCIATES, LLP, DEFENDANTS-APPELLANTS.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MARK SPITLER OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

CELLINO & BARNES, P.C., BUFFALO (BRIAN A. GOLDSTEIN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

CONNORS & VILARDO, LLP, BUFFALO (VINCENT E. DOYLE, III, OF COUNSEL),
FOR DEFENDANTS EILEEN REILLY, M.D. AND ELDER MEDICAL SERVICES.

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered March 21, 2013. The order denied the motion of defendants Elizabeth Marie Love, M.D. and Geriatric Associates, LLP, for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 24, 2014,

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

Entered: May 2, 2014

Frances E. Cafarell
Clerk of the Court