

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

**902**

**CA 13-02129**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, WHALEN, AND DEJOSEPH, JJ.

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LLOYD RIFENBURG, PLAINTIFF-RESPONDENT,

V

ORDER

WESTERN NEW YORK AND PENNSYLVANIA RAILROAD,  
DEFENDANT-APPELLANT.

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HARRIS BEACH PLLC, PITTSFORD (SVETLANA K. IVY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

EDWARD PEKAREK, WELLSVILLE, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered July 17, 2013. The order, insofar as appealed from, denied the motion of defendant for summary judgment.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on June 13 and 28, 2014, and filed in the Allegany County Clerk's Office on July 2, 2014,

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

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court