

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

**901**

**CA 14-00141**

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

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DONNA MASCELLINO AND LUCIAN MASCELLINO,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

ROBERT M. CHICK, D.D.S., ET AL., DEFENDANTS,  
SHAKEEL AHMAD, M.D., DONALD W. HOHMAN, JR., M.D.,  
GRANT SORKIN, M.D., OCTAVIA F. BALAN, M.D. AND  
KALEIDA HEALTH, DEFENDANTS-APPELLANTS.

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MELISSA L. ZITTEL OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered October 17, 2013. The order denied the motion of defendants Shakeel Ahmad, M.D., Donald W. Hohman, Jr., M.D., Grant Sorkin, M.D., Octavia F. Balan, M.D., and Kaleida Health for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 11, 2014,

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

Entered: October 3, 2014

Frances E. Cafarell  
Clerk of the Court