

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

837

CA 15-00083

PRESENT: CENTRA, J.P., CARNI, LINDLEY, AND DEJOSEPH, JJ.

IN THE MATTER OF CLAYTON A. POTTER,
PETITIONER-APPELLANT,

V

ORDER

ROBERT F. HYLAND & SONS, LLC,
RESPONDENT-RESPONDENT.

FORSYTH HOWE O'DWYER KALB & MURPHY, P.C., ROCHESTER (SANFORD R. SHAPIRO OF COUNSEL), FOR PETITIONER-APPELLANT.

LECLAIR KORONA GIORDANO COLE, LLP, ROCHESTER (STEVEN E. COLE OF COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 10, 2014 in a CPLR article 76 proceeding. The order, insofar as appealed from, dismissed the petition.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on April 21, 2015, and filed in the Monroe County Clerk's Office on April 22, 2015,

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

Entered: July 10, 2015

Frances E. Cafarell
Clerk of the Court