

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

**237**

**CA 15-01317**

PRESENT: WHALEN, P.J., SMITH, CARNI, NEMOYER, AND CURRAN, JJ.

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IN THE MATTER OF UNIVEST I CORP., DERIVATIVELY  
ON BEHALF OF 470 PEARL STREET, LLC,  
PETITIONER-RESPONDENT,

V

ORDER

SKYDECK CORPORATION, DOING BUSINESS AS PAY2PARK,  
RESPONDENT-RESPONDENT,  
BUFFALO DEVELOPMENT CORPORATION,  
RESPONDENT-APPELLANT,  
AND 470 PEARL STREET, LLC, RESPONDENT.

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THE KNOER GROUP, PLLC, BUFFALO (ROBERT E. KNOER OF COUNSEL), FOR  
RESPONDENT-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (MATTHEW D. MILLER OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

WOODS OVIATT GILMAN LLP, BUFFALO (WILLIAM F. SAVINO OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 1, 2014 in a proceeding pursuant to RPAPL article 7. The order, among other things, denied the motion of respondent Buffalo Development Corporation to dismiss the petition, and granted the petition in part.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on February 4 and 5, 2016, and filed in the Erie County Clerk's Office on February 8, 2016,

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

Entered: March 18, 2016

Frances E. Cafarell  
Clerk of the Court