

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

569

CA 15-01762

PRESENT: SMITH, J.P., CARNI, DEJOSEPH, CURRAN, AND TROUTMAN, JJ.

MICHAEL R. EBELING, PLAINTIFF-APPELLANT,

V

ORDER

JOSHUA R. WALKER AND KEVIN J. KERL, INC.,
DOING BUSINESS AS CARMASTERS COLLISION &
GLASS, DEFENDANTS-RESPONDENTS.

LAW OFFICE OF J. MICHAEL HAYES, BUFFALO (J. MICHAEL HAYES OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

LIPPMAN O'CONNOR, BUFFALO (THOMAS D. SEAMAN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered July 7, 2015. The order denied the motion of plaintiff for summary judgment.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties, and filed in the Erie County Clerk's Office on February 22, 2016,

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

Entered: August 17, 2016

Frances E. Cafarell
Clerk of the Court