

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

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CA 16-00201

PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

RONALD KOZLOWSKI AND DENISE KOZLOWSKI,
PLAINTIFFS-RESPONDENTS,

V

ORDER

ALLIED BUILDERS, INC. AND RUSH-HENRIETTA
CENTRAL SCHOOL DISTRICT, DEFENDANTS-APPELLANTS.

LIPPMAN O'CONNOR, BUFFALO (GERARD E. O'CONNOR OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

GIBSON MCASKILL & CROSBY, LLP, BUFFALO (CHARLES S. DESMOND, II, OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 6, 2015. The order granted plaintiffs' motion for partial summary judgment on the issue of liability under Labor Law § 240 (1).

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on October 11, 2016, and filed in the Monroe County Clerk's office on November 30, 2016,

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

Entered: February 3, 2017

Frances E. Cafarell
Clerk of the Court