

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

369

CA 16-01489

PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, CURRAN, AND SCUDDER, JJ.

JOHN PESTILLO, CLAIMANT-RESPONDENT,

V

ORDER

COUNTY OF MONROE, RESPONDENT-APPELLANT,
ET AL., RESPONDENT.

MICHAEL E. DAVIS, COUNTY ATTORNEY, ROCHESTER (MATTHEW D. BROWN OF COUNSEL), FOR RESPONDENT-APPELLANT.

WILLIAM MATTAR, P.C., WILLIAMSVILLE (JOHN ABEEL OF COUNSEL), FOR CLAIMANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered December 8, 2015. The order, insofar as appealed from, granted the application of claimant for leave to serve a late notice of claim on respondent County of Monroe.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on January 13, 2017,

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

Entered: March 24, 2017

Frances E. Cafarell
Clerk of the Court