

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

850

**CA 16-02328**

PRESENT: SMITH, J.P., CENTRA, LINDLEY, AND NEMOYER, JJ.

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DECHANTE BARLESTON, PLAINTIFF-RESPONDENT,

V

ORDER

CHRISTOPHER J. GIANCARLO, JOHN C. RADEL,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.

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HURWITZ & FINE, P.C., BUFFALO (JENNIFER J. PHILLIPS OF COUNSEL), FOR  
DEFENDANT-APPELLANT CHRISTOPHER J. GIANCARLO.

LAW OFFICE OF DANIEL R. ARCHILLA, BUFFALO (JILL C. TREMBATH OF  
COUNSEL), FOR DEFENDANT-APPELLANT JOHN C. RADEL.

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC, BUFFALO (KENNETH A.  
SZYSZKOWSKI OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 20, 2016. The order denied the motions of defendants Christopher J. Giancarlo and John C. Radel to bifurcate the trial of this matter.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 24, 2017,

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

Entered: June 9, 2017

Frances E. Cafarell  
Clerk of the Court