

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

**171**

**CA 16-00773**

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

---

STEVEN NEUMANN, PLAINTIFF-RESPONDENT,

V

ORDER

DHU PRODUCTIONS, LLC, DEFENDANT-APPELLANT.

---

AUGELLO & MATTELIANO, LLP, BUFFALO (JOSEPH A. MATTELIANO OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (RICHARD P. WEISBECK, JR., OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered January 7, 2016. The order granted plaintiff's motion for partial summary judgment on the issue of liability on the Labor Law § 240 (1) claim and denied the cross motion of defendant for partial summary judgment dismissing the section 240 (1) and 241 (6) claims.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on April 12, 2017, and filed in the Erie County Clerk's Office on May 11, 2017,

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

Entered: August 23, 2017

Frances E. Cafarell  
Clerk of the Court