

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

1005

CA 17-00385

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, NEMOYER, AND CURRAN, JJ.

FRANK E. FOWLER, JR., DOING BUSINESS AS
SONSHINE CLEANING SERVICES,
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

FRANK SYLVESTER, INDIVIDUALLY AND IN OFFICIAL
CAPACITY AS BUILDING MANAGER FOR: SUMMIT
REALTY MANAGEMENT, LLC, CHUCK PATTISON,
INDIVIDUALLY AND IN OFFICIAL CAPACITY AS CHIEF
EXECUTIVE OFFICER FOR: DERMATOLOGY & ASSOCIATES
OF CENTRAL NEW YORK, PLLC, AND SUMMIT REALTY
MANAGEMENT, LLC,
DEFENDANTS-APPELLANTS-RESPONDENTS.

BARCLAY DAMON, LLP, SYRACUSE (MATTHEW J. LARKIN OF COUNSEL), FOR
DEFENDANTS-APPELLANTS-RESPONDENTS FRANK SYLVESTER, INDIVIDUALLY AND IN
OFFICIAL CAPACITY AS BUILDING MANAGER FOR: SUMMIT REALTY MANAGEMENT,
LLC AND SUMMIT REALTY MANAGEMENT, LLC.

UNDERBERG & KESSLER, LLP, BUFFALO (EDWARD P. YANKELUNAS OF COUNSEL),
FOR DEFENDANT-APPELLANT-RESPONDENT CHUCK PATTISON, INDIVIDUALLY AND IN
OFFICIAL CAPACITY AS CHIEF EXECUTIVE OFFICER FOR: DERMATOLOGY &
ASSOCIATES OF CENTRAL NEW YORK, PLLC.

LUIBRAND LAW FIRM, PLLC, LATHAM (KEVIN A. LUIBRAND OF COUNSEL), FOR
PLAINTIFF-RESPONDENT-APPELLANT.

Appeals and cross appeal from an order of the Supreme Court,
Onondaga County (James P. Murphy, J.), dated August 29, 2016. The
order, among other things, granted the motions of defendants for leave
to reargue and/or renew their motions for summary judgment and, upon
reargument, denied in part the motions of defendants for summary
judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on April 24, and May 5 and 9,
2017,

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

Entered: September 29, 2017

Mark W. Bennett
Clerk of the Court