

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

1441

CA 17-00477

PRESENT: PERADOTTO, J.P., CARNI, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

FRANCIS X. SMITH AND CHERYL SMITH,
PLAINTIFFS-RESPONDENTS,

V

ORDER

VILLAGE OF ARCADE AND ARCADE FIRE
DEPARTMENT, INC., ALSO KNOWN AS VILLAGE OF
ARCADE FIRE DEPARTMENT, DEFENDANTS-RESPONDENTS,
DONALD J. SAULTER, JR., DEFENDANT-APPELLANT,
ET AL., DEFENDANT.
(APPEAL NO. 1.)

KENNEY SHELTON LIPTAK NOWAK, LLP, BUFFALO (AALOK J. KARAMBELKAR OF
COUNSEL), FOR DEFENDANT-APPELLANT.

BRADY & SWENSON, P.C., SALAMANCA (MATTHEW R. SWENSON OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

LIPPMAN O'CONNOR, BUFFALO (ROBERT M. LIPPMAN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered March 3, 2016. The order, among
other things, denied the motion of defendant Donald J. Saulter, Jr.
for summary judgment dismissing the complaint against him.

Now, upon the stipulations of discontinuance signed by the
attorneys for the parties on February 16 and June 23, 2017, and filed
in the Wyoming County Clerk's Office on April 28 and July 24, 2017,

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

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court