

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

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**CA 17-01658**

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

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AMMIE HOURIHAN AND KEVIN HOURIHAN,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

SODEXO MANAGEMENT, INC., DEFENDANT-APPELLANT.

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THE TARANTINO LAW FIRM, LLP, BUFFALO (ANN M. CAMPBELL OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered January 11, 2017. The order, insofar as appealed from, denied those parts of the motion of defendant seeking to strike all claims of emotional injury from the amended bill of particulars and seeking to compel disclosure of the medical records pertaining to the thyroid condition of plaintiff Ammie Hourihan.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 15 and April 27, 2018,

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

Entered: June 8, 2018

Mark W. Bennett  
Clerk of the Court