

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

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CA 17-02157

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

J. MICHAEL SIMONI AND CAROL SIMONI,
PLAINTIFFS-RESPONDENTS,

V

ORDER

EASTMAN KODAK COMPANY AND JOHNSON CONTROLS, INC.,
DEFENDANTS-APPELLANTS-RESPONDENTS.

THE LAW FIRM OF JANICE M. IATI, P.C., PITTSFORD (JANICE M. IATI OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT EASTMAN KODAK COMPANY.

RUPP BAASE PFALZGRAF & CUNNINGHAM LLC, ROCHESTER (AMY L. DIFRANCO OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT JOHNSON CONTROLS, INC.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (ADAM P. DEISINGER OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeals from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered November 13, 2017. The order denied the motion of defendant Johnson Controls, Inc. for summary judgment dismissing the second amended complaint and all cross claims against it and denied the motion of defendant Eastman Kodak Company for summary judgment dismissing the second amended complaint against it and for summary judgment on its cross claim against defendant Johnson Controls, Inc., for contractual indemnification.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 15 and 16, 2018,

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

Entered: June 8, 2018

Mark W. Bennett
Clerk of the Court