

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

726

CA 17-01261

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ.

CAROLYN D. MCCLENDON, PLAINTIFF-APPELLANT,

V

ORDER

LILLIE V. WELCH, DEFENDANT-RESPONDENT.

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

LAW OFFICES OF JOHN TROP, BUFFALO (MATTHEW T. MURRAY, III, OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 24, 2017. The order, inter alia, granted in part the motion of defendant seeking to vacate plaintiff's note of issue and certificate of readiness and seeking fees and costs.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 7, 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