

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

808

**CA 18-00073**

PRESENT: WHALEN, P.J., SMITH, CARNI, NEMOYER, AND TROUTMAN, JJ.

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NANETTE DAVIS AND ROLAND DAVIS,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

FARVIEW GOLF COURSE AND COUNTRY INN, A JOINT  
VENTURE, FARVIEW CONSTRUCTION CORP., AND JOHNSTONE  
GROUP, LIMITED, DEFENDANTS-APPELLANTS.

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DIXON & HAMILTON, LLP, GETZVILLE (MICHAEL B. DIXON OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

CELLINO & BARNES, P.C., ROCHESTER (ROBERT L. VOLTZ OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), dated June 5, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

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