

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

924

OP 18-00409

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

IN THE MATTER OF CARMEN BRITT AND CARMEN BRITT,
AS EXECUTOR OF THE ESTATE OF LULA BAITY,
DECEASED, PETITIONER,

V

ORDER

DIANE Y. DEVLIN, JUSTICE, NEW YORK STATE SUPREME
COURT, RESPONDENT.

LOUIS ROSADO, BUFFALO, FOR PETITIONER.

BARBARA D. UNDERWOOD, ATTORNEY GENERAL, ALBANY (JOSEPH M. SPADOLA OF
COUNSEL), FOR RESPONDENT.

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to compel respondent to hear and determine petitioner's motion to restore his actions, and for other relief.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on June 2 and 11, 2018,

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

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court