

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

**1308**

**CA 18-01207**

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ.

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KATHERINE WALDECK, PLAINTIFF-RESPONDENT,

V

ORDER

STARPOINT CENTRAL SCHOOL DISTRICT AND STARPOINT  
BOARD OF EDUCATION, DEFENDANTS-APPELLANTS.

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BAXTER SMITH & SHAPIRO, P.C., BUFFALO (JOSHUA A. BLOOM OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

WILLIAM MATTAR, P.C., ROCHESTER (MATTHEW J. KAISER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Daniel Furlong, J.), entered October 6, 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 October 16, 2018,

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

Entered: December 21, 2018

Mark W. Bennett  
Clerk of the Court