

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

1441

CA 18-01320

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, CURRAN, AND TROUTMAN, JJ.

JOSEPH L. STAATS, PLAINTIFF-RESPONDENT,

V

ORDER

MEGAN M. EBERL, DEFENDANT-RESPONDENT,
AND THOMAS A. KOWALCZYK, DEFENDANT-APPELLANT.

HAGELIN SPENCER, LLC, BUFFALO (MEGAN F. ORGANEK OF COUNSEL), FOR
DEFENDANT-APPELLANT.

FRIEDMAN & RAZENHOFER, P.C., AKRON (SAMUEL A. ALBA OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

LAW OFFICES OF JOHN WALLACE, BUFFALO (NANCY A. LONG OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered February 26, 2018. The order denied the motion of defendant Thomas A. Kowalczyk for summary judgment on the issue of negligence.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on November 29, and December 5 and 11, 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