

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

719

CA 17-00830

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

DYLAN DEUSER, PLAINTIFF-RESPONDENT,

V

ORDER

PRECISION CONSTRUCTION & DEVELOPMENT, INC.,
DEFENDANT-APPELLANT,
RYAN BRAUN, ET AL., DEFENDANTS.
(APPEAL NO. 1.)

KENNEY SHELTON LIPTAK NOWAK, LLP, BUFFALO (MELISSA A. FOTI OF
COUNSEL), FOR DEFENDANT-APPELLANT.

MARCUS & CINELLI, LLP, WILLIAMSVILLE (BRIAN L. CINELLI OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

BROWN & KELLY, LLP, BUFFALO (KEVIN D. WALSH OF COUNSEL), FOR DEFENDANT
RYAN BRAUN.

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), entered January 17, 2017. The judgment, among other things, awarded plaintiff the sum of \$3,486,898.96 as against defendant Precision Construction & Development, Inc.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on July 12 and 17, and August 20, 2018, and filed in the Erie County Clerk's Office on August 27, 2018,

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

Entered: February 1, 2019

Mark W. Bennett
Clerk of the Court