

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

**467**

**CA 17-02104**

PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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SHERI SCAVONE AND MARY MAGNAN, INDIVIDUALLY,  
AND ON BEHALF OF N.S. AND R.S., NEE S.S.,  
AS MINORS, PLAINTIFFS-RESPONDENTS,

V

ORDER

CAMPBELL MEADOWS CONDOMINIUM ASSOCIATION, INC.,  
TIMOTHY HUTCHERSON, COLLEEN HUNT, TRACIE CORNELL,  
TERRY ELBERSON, PAULA STRANG,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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DEMARIE & SCHOENBORN, P.C., GETZVILLE (JOSEPH DEMARIE OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

KENNEY SHELTON LIPTAK & NOWAK LLP, BUFFALO (RODGER P. DOYLE, JR., OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered September 20, 2017. The order, among other things, granted plaintiffs' motion to dismiss defendants' counterclaim and certain affirmative defenses.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 12 and 15, 2019,

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

Entered: April 26, 2019

Mark W. Bennett  
Clerk of the Court