

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

**922**

**CA 19-00186**

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

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PHILIP J. VALVO, CLAIMANT-RESPONDENT,

V

ORDER

STATE OF NEW YORK, DEFENDANT-APPELLANT.  
(CLAIM NO. 118356.)

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GOLDBERG SEGALLA LLP, BUFFALO (PAUL D. MCCORMICK OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR CLAIMANT-RESPONDENT.

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Appeal from a judgment of the Court of Claims (J. David Sampson, J.), dated April 11, 2018. The judgment, among other things, adjudged that defendant violated Labor Law § 240 (1) and that the violation was the proximate cause of plaintiff's injuries.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 5, 2019,

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

Entered: September 27, 2019

Mark W. Bennett  
Clerk of the Court