

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

937

CA 19-00650

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

DALE NOBLE, PLAINTIFF,

V

ORDER

VILLAGER CONSTRUCTION, INC., DEFENDANT.

VILLAGER CONSTRUCTION, INC., THIRD-PARTY
PLAINTIFF-APPELLANT,

V

M.J. DREHER TRUCKING, INC., THIRD-PARTY
DEFENDANT-RESPONDENT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (ELIZABETH M. BERGEN OF
COUNSEL), FOR THIRD-PARTY PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, ROCHESTER (MATTHEW A. LENHARD OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an amended order and judgment (one paper) of the Supreme Court, Monroe County (William K. Taylor, J.), entered December 24, 2018. The amended order and judgment, among other things, granted the motion of third-party defendant for summary judgment and dismissed the third-party complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 14, 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