

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

943

CA 19-00603

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

MARY CATHERINE FITZPATRICK AND DAVID FITZPATRICK,
PLAINTIFFS-RESPONDENTS,

V

ORDER

YOUNG MEN'S CHRISTIAN ASSOCIATION OF BUFFALO
NIAGARA, DEFENDANT-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (MICHAEL E. FERDMAN OF COUNSEL), FOR
DEFENDANT-APPELLANT.

VINAL & VINAL, P.C., BUFFALO (JEANNE M. VINAL OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered February 22, 2019. The order denied defendant's motion for summary judgment.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on August 20, 2019, and filed in the Erie County Clerk's Office on August 27, 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