

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

17

CA 19-01101

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

STATE OF NEW YORK, PLAINTIFF,
AND NEW YORK STATE THRUWAY AUTHORITY,
PLAINTIFF-APPELLANT,

V

ORDER

FOIT-ALBERT ASSOCIATES, ARCHITECTURE,
ENGINEERING AND LAND SURVEYING, P.C.,
DEFENDANT-RESPONDENT.

THE LAW FIRM OF JANICE M. IATI, P.C., PITTSFORD (JANICE M. IATI OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

SUGARMAN LAW FIRM, LLP, BUFFALO (BRIAN SUTTER OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered May 21, 2019. The order, among other things, denied the motion of plaintiffs seeking, inter alia, summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 30, 2019,

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

Entered: January 31, 2020

Mark W. Bennett
Clerk of the Court