

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

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**CA 19-00516**

PRESENT: SMITH, J.P., TROUTMAN, WINSLOW, BANNISTER, AND DEJOSEPH, JJ.

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JAMES KERKHOF, INDIVIDUALLY, AND AS EXECUTOR OF THE ESTATE OF RUBIANN KERKHOF, DECEASED, AND ACEA M. MOSEY, ERIE COUNTY PUBLIC ADMINISTRATOR, AS CO-EXECUTOR OF THE ESTATE OF RUBIANN KERKHOF, DECEASED, PLAINTIFFS-APPELLANTS,

V

ORDER

LASALLE AMBULANCE INC., DOING BUSINESS AS AMERICAN MEDICAL RESPONSE, DOING BUSINESS AS RURAL/METRO CORP., AND CARLOS R. ROSALES, DEFENDANTS-RESPONDENTS.

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FEROLETO LAW, BUFFALO (JILL WNEK OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

GOLDBERG SEGALLA, LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered March 1, 2019. The order, among other things, granted that part of defendants' cross motion seeking partial summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 28 and May 1, 2020,

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

Entered: June 12, 2020

Mark W. Bennett  
Clerk of the Court