

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

**747**

**TP 20-00231**

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND BANNISTER, JJ.

---

IN THE MATTER OF ONONDAGA CENTER FOR  
REHABILITATION AND HEALTHCARE AND  
STELLA GIACOBBE, PETITIONERS,

V

ORDER

HOWARD ZUCKER, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF HEALTH, RESPONDENT.

---

COWART DIZZIA LLP, NEW YORK CITY (JENNIFER J. NEARY OF COUNSEL), FOR  
PETITIONERS.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF COUNSEL),  
FOR RESPONDENT.

---

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Onondaga County [Scott J. DelConte, J.], entered February 6, 2020) to review a determination of respondent. The determination, among other things, affirmed the Onondaga County Department of Social Services' denial of Medicaid benefits.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on June 17 and 18, 2020,

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

Entered: November 13, 2020

Mark W. Bennett  
Clerk of the Court