

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

761.1

CA 20-01198

PRESENT: SMITH, J.P., NEMOYER, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

JAYME A. MAST, PLAINTIFF-RESPONDENT,

V

ORDER

MICHELLE D. LEICHTMAN, AS EXECUTOR OF THE
ESTATE OF GERARD A. DESIMONE, DECEASED,
DEFENDANT-APPELLANT.

THOMAS P. DURKIN, BUFFALO, FOR DEFENDANT-APPELLANT.

NICHOLAS J. SHEMIK, WILLIAMSVILLE, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered August 10, 2020. The order denied the motion of defendant to preclude certain trial testimony.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on July 28, 2021,

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

Entered: October 1, 2021

Ann Dillon Flynn
Clerk of the Court