

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

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CA 20-01358

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, WINSLOW, AND BANNISTER, JJ.

JIMMY LEVINE, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

HRISHIKESH BHATTACHARYA,
DEFENDANT-APPELLANT-RESPONDENT,
MATTHEW NARDOLILLO AND WORLD WIDE STONE, INC.,
DEFENDANTS-RESPONDENTS.

LAW OFFICE OF DANIEL R. ARCHILLA, BUFFALO (MARTHA E. DONOVAN OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

VANDETTE PENBERTHY LLP, BUFFALO (VINCENT T. PARLATO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT-APPELLANT.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (NELSON E. SCHULE, JR., OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (Joseph R. Glowonia, J.), entered September 28, 2020. The
order, among other things, denied the motion of defendant Hrishikesh
Bhattacharya for summary judgment and denied in part plaintiff's cross
motion for summary judgment.

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