

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

**1160**

**CA 21-00086**

PRESENT: WHALEN, P.J., SMITH, NEMOYER, AND CURRAN, JJ.

---

MARCIA L. GOW, PLAINTIFF-RESPONDENT,

V

ORDER

DENNIS D. GALENSKI, DEFENDANT-APPELLANT.

-----  
DENNIS D. GALENSKI, THIRD-PARTY  
PLAINTIFF-APPELLANT,

V

JOHN C. BERRY AND DANIEL P. BERRY,  
THIRD-PARTY DEFENDANTS-RESPONDENTS.

---

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (KRISTIN L. NORFLEET OF COUNSEL), FOR DEFENDANT-APPELLANT AND THIRD-PARTY PLAINTIFF-APPELLANT.

THE DIETRICH LAW FIRM, P.C., BUFFALO (BRIAN R. WOOD OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

LAW OFFICES OF JENNIFER S. ADAMS, YONKERS (SABRINA A. VICTOR OF COUNSEL), FOR THIRD-PARTY DEFENDANTS-RESPONDENTS.

---

Appeal from an order of the Supreme Court, Niagara County (Matthew J. Murphy, III, A.J.), entered December 7, 2020. The order granted in part the motion of third-party defendants for summary judgment and denied the cross motion of defendant-third-party plaintiff for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on October 21, 2021,

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

Entered: December 23, 2021

Ann Dillon Flynn  
Clerk of the Court