

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

1074

CA 21-00303

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND BANNISTER, JJ.

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-RESPONDENTS,

V

ORDER

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

FEROLETO LAW, BUFFALO (JOHN FEROLETO OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS-RESPONDENTS.

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

Appeal and cross appeal from an order of the Supreme Court, Erie
County (John L. Michalski, A.J.), entered February 16, 2021. The
order, among other things, permitted plaintiffs to bring a motion for
summary judgment and denied the motion for summary judgment on the
issues of negligence and serious injury.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on December 20, 2021,

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

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court